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JOURNAL  
OF THE  
HOUSE OF REPRESENTATIVES  
JANUARY SESSION OF 1973

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# JOURNAL

## OF THE

### HOUSE OF REPRESENTATIVES

JANUARY SESSION OF 1973

*Wednesday, 3Jan73*

The House met at 11:00 o'clock.

On the first Wednesday in January in the year of our Lord, one thousand nine hundred and seventy-three, being the day designated by the Constitution for assembling of that body, the *one hundred and forty-third* General Court of the State of New Hampshire convened at the Capitol in the City of Concord, and the representatives-elect were called to order by J. Milton Street, Clerk of the House for the preceding session.

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Prayer was offered by Rev. Arthur Clifford of Chesterfield.

Almighty God, God of our Fathers and our Heavenly Father, Thou hast given us this good land for our heritage. Thou hast richly blest man's efforts to build this state, this nation and the rest of the world into one neighborhood, but man has not been able or willing to build the whole world into one brotherhood.

Our hearts are heavy as we look out upon the world today. Suspicion, prejudice, fear and strife are forces that are present in the hearts of men and overcome the thoughts of love, truth and peace.

Forgive our pride and unbelief, our national vanity and self-righteousness, our prejudice and racial hatreds. Forgive us, we beseech Thee.

In these days to come help us to assume our responsibilities in our tasks, assigned to us by those who have called us to this

seat of government. May our tasks promote harmony and peace. May we never lose faith in our fellow citizens.

May we use wisely the blessing You have bestowed upon us and all who are a part of this "Granite State".

Guide and direct the minds of all those gathered here who are called at this time to exercise the responsible duty of serving in the government of this state. Grant Thee the effect and right issue of their decisions may promote the glory and welfare of this people.

To all who serve, give we pray Thee, the spirit of wisdom, courage, sympathy and true godliness, and hasten the coming of the day of brotherhood which will become the Kingdom of our Lord Jesus Christ. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Brungot led the Pledge of Allegiance.

#### ROLL CALL OF THE HOUSE

##### BELKNAP COUNTY:

French, Lawton, Matheson, Marsh, Nighswander, Wuelper, Roberts, Charles B., Roberts, George B., Twigg, Hood, Huot, Hildreth, Pierce, Randlett, Sabbow, Maguire, Murray, James W.

##### CARROLL COUNTY:

Howard, Donalda K., Cox, Davis, Esther M., Duprey, Conley, Davis, Dorothy W., Chase, Claflin, Allen, Webster, T. Anne.

##### CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Stevens, Anthony, O'Neil, James E., Johnson, Elmer L., Ladd, Slicer, Whipple, Dunham, Hackler, McGinness, Savage, Forcier, Gordon, Anne B., Milbank, Turner, Helie, Wayne E., Raymond, Ames, Saunders, Heald, Cleon E., Streeter, Barrett, Katherine K., Close, Nims, Drew, Scranton.

##### COOS COUNTY:

Huggins, Metcalf, Patrick, Bushey, Hunt, Roger L., Drake,

Lee, Burns, Richardson, Mabel L., Kidder, Victor L., Oleson, Fortier, Valliere, Desilets, Pryor, Brungot, Lemire, George, Gagnon, Theriault.

GRAFTON COUNTY:

Curran, Tilton, Chamberlin, Stevenson, Fimlaid, Bradley, Richard L., Clark, Jones, Anthony K., Mann, Ezra B., Anderson, Fayne E., Altman, Jones, Albert C., Warren, Roger K., Buckman, Harrison, Gemmill, Bell, Webb, Krainak, Bradley, David J., Chambers, Copenhaver, Nutt, Duhaime, Eaton, Myrl R., Hough, Merrill, Townsend, Madeline G.

HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Cary, Mann, Arthur F., Murray, Fred E., Karnis, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Colburn, Thomson, Harold E., Clougherty, Fletcher, Knight, Messina, Perkins, Arnold B., Harvell, Nelson, Van Loan, Bragdon, Brown, G. Winthrop, Spalding, Kenneth W., Carter, Coburn, Ferguson, Langdell, Boyd, Hall, Carswell, Dwyer, Geiger, Lint, Lyons, Alukonis, Bednar, Bergeron, Nutting, Polak, Smith, Leonard A., Currier, Richardson, John W., Seamans, Ethier, McLaughlin, Rock, Cobleigh, Parker, Gerry F., Record, Zechel, Belcourt, Trombly, Woodruff, Cote, Margaret S., Joyce, Winn, Charest, Desmarais, Lachance, Gabriel, Lefebvre, McGlynn, Migneault, Aubut, Boisvert, Chasse, Romeo A., Mason, Ouellette, Sullivan, David T., Wilcox, Coutermarsh, Erickson, Lebel, Ainley, Daniels, Milne, Zachos, Ackerson, Bourassa, Montplaisir, Murphy, Horan, Nardi, Spirou, Bruton, Cote, Joseph L., Cullity, Shea, Dupont, Healy, Daniel J., McDonough, Clancy, Conway, Gardner, Sullivan, Mary J., Beaulieu, Champagne, Gelinas, Lemay, Henry O., Healy, George T., MacDonald, O'Neil, Dorthea M., Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., Vachon, D'Allesandro, Gillmore, Lynch, Sweeney, Lamy, Lemire, Armand, Levasseur, Martineau, Allard, Bernier, Lambert, Lesmerises, Smith, Craig D.

MERRIMACK COUNTY:

Kidder, William F., Thompson, Arthur E., Sherman, Bigelow, Chandler, Jones, Donald P., Parker, Harry C., Deoss, Hanson, Boucher, Laurent J., Enright, Rice, Gamache, Goff, John B., Gordon, George E., Plourde, Bartlett, Perkins,

John B., Cushman, Kopperl, Mattice, Thompson, Doris L., Wigin, Elmer S., Humphrey, James A., Burleigh, Daniell, Fisher, Piper, Cate, Haller, Andersen, Chris K., Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Tarr, Rich, Harriman, Wilson, Ralph W., Howard, C. Edwin, Woodward, Hager, Noble.

#### ROCKINGHAM COUNTY:

King, Benton, Davis, Roy W., Wilson, Helen F., Boucher, William P., Kashulines, Skinner, Soule, Thibeault, George J., Barka, Gay, Gorman, MacGregor, Read, Senter, Belair, Campbell, DeCesare, Goff, Elizabeth E., Lemay, Margaret S., Roy, Vesta M., Sayer, Southwick, Stevens, William J., Sununu, Tuttle, Spollett, Webster, Clarence L., White, Cummings, Vey, Erler, Goodrich, Hoar, Sanborn, Schwaner, Simard, Tavitian, Estabrook, Rogers, Hamel, Randall, Akerman, Casassa, Cunningham, Parr, Smith, Tony, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Scamman, Simmons, Stevens, Elliot A., Ellis, Weeks, Greene, Hammond, Lockhart, Maynard, Palfrey, Griffin, Splaine, Cotton, Dame, McEachern, Joseph A., Call, Connors, Hodgdon, Woods, Keefe, McEachern, Paul.

#### STRAFFORD COUNTY:

Dawson, Canney, Harvey, Hunt, Robert B., Rowell, Dudley, Plumer, Tirrell, Joncas, Bouchard, Maloomian, Chasse, Peter N., Hebert, Meserve, Tanner, Tibbetts, Ineson, Thompson, Barbara C., Ruel, Winkley, LaRoche, Sylvain, Preston, Tripp, Boisse, Leighton, Bernard, Donnelly, Kincaid, O'Connor, Roderick H., Richardson, Harriett W. B., McManus, Peabody, Pray.

#### SULLIVAN COUNTY:

Townsend, Sara M., Barrus, Rousseau, Roy, Mary R., Buckley, Spaulding, Roma A., Tucker, Brodeur, Burrows, D'Amante, Lewko, Saggiotes, Scott, Frizzell, Olden, Wiggins, George I., Williamson.

### RESOLUTION

Rep. Bigelow offered the following:

*Resolved*, that a committee of three be appointed by the Clerk to wait upon His Excellency the Governor and inform him that a quorum of the House is assembled and requests his attendance.

The resolution was adopted and the Clerk appointed Reps. Zachos, Bell and Coutermarsh to wait upon His Excellency the Governor and inform him that a quorum of the House is assembled and requests his attendance.

His Excellency, the Governor, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Council, and the above-named ladies and gentlemen, having presented their credentials, were duly qualified by His Excellency as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

### RESOLUTION

Rep. Russell C. Chase offered the following:

*Resolved*, that Rep. Bigelow be nominated as Temporary Chairman.

Adopted.

Rep. Spirou moved that the nominations be closed and that the Clerk be instructed to cast one ballot for Rep. Bigelow as Temporary Chairman.

Adopted and the Clerk cast one ballot for Rep. Bigelow as Temporary Chairman.

The Clerk appointed Reps. Spollett and Belcourt to escort the Temporary Chairman to the podium.

(Rep. Bigelow in the Chair)

Rep. Zachos nominated Rep. James E. O'Neil, Sr. as Speaker of the House, seconded by Rep. Weeks.

Rep. Daniell nominated Rep. Coutermarsh as Speaker of the House, seconded by Rep. Spirou.

Rep. Vachon moved that nominations be closed, seconded by Rep. Bednar.

Adopted.

Rep. Coutermarsh withdrew as a candidate for Speaker and moved that the clerk cast one ballot in favor of Rep. James E. O'Neil, Sr.; duly seconded.

Adopted.



The clerk cast one ballot in favor of Rep. O'Neil as Speaker of the House.

Reps. Zachos and Coutermarsh escorted the speaker to the podium.

(Speaker in the Chair)

## RESOLUTIONS

Rep. Coutermarsh offered the following:

*Resolved*, that, J. Milton Street of Sharon, Clerk; Theodore Aucella of Bennington, Sergeant-at-Arms; Guy Lagroe, Percy McCuin and Augustine Faretra, Doorkeepers be elected by acclamation.

Adopted.

Reps. Russell C. Chase and Daniell offered the following:

*Resolved*, that the House is ready to meet with the Honorable Senate in joint convention for the purpose of electing a Secretary of State and a State Treasurer and for canvassing the votes for Governor and Councilors.

Adopted.

## JOINT CONVENTION

### RESOLUTION

Sen. Lamontagne and Rep. Weeks offered the following:

*Resolved*, that the Honorable Secretary of State be requested to lay before the convention the returns of votes for Governor and Councilors.

Adopted.

Robert L. Stark, Secretary of State, appeared before the joint convention and laid the returns of the votes for Governor and Councilors cast in the last General Election; and the returns of votes for and against the necessity of calling a constitutional convention cast in the last election, as follows:

### FOR GOVERNOR

	Thomson	Crowley	McLane
Belknap	7,868	4,684	3,137



Carroll	6,798	1,972	2,080
Cheshire	7,380	7,821	6,991
Coos	7,352	6,241	1,400
Grafton	11,865	5,580	7,271
Hillsborough	35,567	52,065	10,357
Merrimack	14,887	10,512	11,394
Rockingham	26,146	19,249	13,105
Strafford	10,531	13,001	4,502
Sullivan	5,308	4,982	2,962
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TOTALS	133,702	126,107	63,199

Meldrim Thomson, Jr. having a plurality of all votes, was elected Governor.

### FOR COUNCILORS

#### First District:

Lyle E. Hersom, Northumberland, r and d	61,352
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#### Second District:

James H. Hayes, Concord, r	39,136
Robert Nichols, Hopkinton, d	19,088
	<hr/>
Plurality for Hayes	20,048

#### Third District:

Robert E. Whalen, Rye, r	32,090
Robert Emmett O'Neil, Salem, d	22,528
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Plurality for Whalen	9,562

#### Fourth District:

John F. Bridges, Bedford, r	35,017
John S. Walsh, Manchester, d	26,080
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Plurality for Bridges	8,937

#### Fifth District:

Bernard A. Streeter, Jr., Nashua, r	38,721
Kenneth E. Scott, Temple, d	20,732
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Plurality for Streeter	17,989

# VOTE ON THE CONSTITUTIONAL CONVENTION QUESTION

ELECTION ON NOVEMBER 7, 1972

	YES	NO
Belknap	4,379	3,259
Carroll	3,081	2,237
Cheshire	7,128	4,207
Coos	3,477	3,180
Grafton	7,984	4,418
Hillsborough	28,534	24,030
Merrimack	11,473	8,315
Rockingham	16,891	13,590
Strafford	10,216	7,661
Sullivan	3,630	2,468
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TOTALS	96,793	73,365

## RESOLUTION

Sen. Jacobson & Rep. Coutermarsh offered the following:

*Resolved*, that the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon.

Adopted.

The Speaker appointed Reps. Bigelow & Raymond and the President appointed Sen. Porter.

Sen. Porter and Reps. Bigelow and Raymond offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Councilors reports that it has attended to its duties, and that the vote is correct.

## RESOLUTION

Reps. Zachos and Coutermarsh offered the following:

*Resolved*, that a committee of nine be appointed by the Speaker to wait upon the Honorable Meldrim Thomson, Jr.

and inform him officially of his election as Governor of the State of New Hampshire.

Adopted.

The Speaker appointed Reps. Zachos, Coutermarsh, Lawton, Merrill, Bell, Vachon and Sens. Provost, Trowbridge and Gardner.

#### RESOLUTION

Reps. Zachos and Coutermarsh offered the following:

*Resolved*, that a committee of six be appointed by the Speaker to wait upon the Honorable Councilors: Lyle E. Hersom, James H. Hayes, Robert E. Whalen, John F. Bridges and Bernard A. Streeter, Jr. and inform them officially of their election to the Honorable Council.

Adopted.

The Speaker appointed Reps. George B. Roberts, Jr., Elmer L. Johnson, Spirou and Margaret S. Cote and Sens. Bradley and Foley.

#### RESOLUTION

Rep. French offered the following:

*Resolved*, that the Convention proceed with the election of a Secretary of State.

Adopted.

Rep. French nominated Robert L. Stark, seconded by Sens. Nixon and Foley.

Rep. Vachon moved nominations be closed and the Clerk be instructed to cast one ballot for Robert L. Stark as Secretary of State.

Adopted.

The Clerk cast one ballot for Robert L. Stark as Secretary of State, and he was declared elected.

#### RESOLUTION

Sen. Roger Smith offered the following:

*Resolved*, that the Convention proceed with the election of a State Treasurer.

Adopted.

Rep. Zachos nominated Robert W. Flanders as State Treasurer, seconded by Sen. Roger Smith.

Rep. Zachos moved that nominations be closed and that the clerk be instructed to cast one ballot for Robert W. Flanders as State Treasurer.

Adopted.

The Clerk cast one ballot for Robert W. Flanders as State Treasurer, and he was declared elected.

Robert L. Stark, Secretary of State and Robert W. Flanders, State Treasurer were sworn in by the Speaker.

#### RESOLUTION

Rep. Bigelow offered the following:

*Resolved*, by the House of Representatives, the Senate concurring:

That the Speaker of the House of Representatives and the President of the Senate be and hereby are authorized to take over immediately such rooms in the state house or annex as may be necessary for the use of said House of Representatives and Senate for any legislative purpose.

Adopted.

#### RESOLUTION

Reps. Frizzell and Belair offered the following:

*Resolved*, that a committee of twelve members, ten from the House, one from each county and two from the Senate, be appointed by the Speaker and the President to select some suitable person to act as Chaplain during the present session of the legislature and report such election to the House and Senate for consideration.

Adopted.

The Speaker appointed Reps. Wuelper, Russell C. Chase, Forcier, Lee, Gemmill, Knight, Tarr, Griffin, Bernard and Burrows.

## RECESS

## AFTER RECESS

The Speaker presented His Excellency Governor Peterson who gave his Exaugural Address.

## EXAUGURAL ADDRESS

of

## GOVERNOR WALTER PETERSON

January 3, 1973

Mr. Speaker, Mr. President, and Members of the Joint Convention:

The opportunity to speak from this rostrum has always been a great privilege, and it is so today.

I especially appreciate this chance to greet many old friends and to welcome the more than 180 of you who are here to serve for the first time. In the coming weeks and months you will occasionally be frustrated, or confused, or even sharply disappointed — but you will also have your triumphs and, if you are like the rest of us here today, you will never regret your service in this great General Court.

Having participated in every legislative session since 1961, I confess to a temptation to reminisce with you about some of the great issues and achievements of the past. But on reflection, I realize that many of the great problems we faced during my tenure as legislator, Speaker and Governor are still here, to be confronted again by you. None of these problems has been truly and finally solved, but I take pride that we, in our turn, made progress toward a solution. And I hope that you, in your turn, will find sufficient satisfaction in making further progress within a system which I believe is as sound as it is imperfect.

I might add for those of you who serve in the House, as I did, that despite its much-criticized size, you will find as individual members that you have greater power and influence than many commentators and critics have understood. If you really believe in something and are willing to work hard, you can more often than not achieve your goal.

I said that the problems of the past are also the problems of the present.

Every legislature in my experience was aware that our State Hospital was not adequately funded or organized to meet modern standards in care and treatment. But rather than criticize those who grappled with this problem in the past, one would do well to note that the very problems of the hospital owe in large measure to the generosity of past legislatures, which made that institution a refuge and haven to all who could not cope, without regard to means. As a result, our State Hospital has, on a per capita basis, one of the largest patient populations of any such institution in America.

Nonetheless progress has been made. The patient population has been reduced; Glenclyff has been established as a geriatrics center, and the establishment of state assistance to community-based mental health facilities was an intelligent partial response to the problem — although it must be added that we consistently failed to meet our own legislated commitment to provide two dollars for every dollar raised locally for their support.

Past legislatures, with ever-increasing concern, added dollars and new and better rules designed to clean up and preserve our environment, culminating in the 1972 special session, when scores of bills, including several landmark pieces of legislation, were passed. But we still do not have a truly comprehensive environmental protection law nor an agency to assure action in the public interest. I know that refinements in the 1972 Open Space Law will be a matter of priority for this legislature, to assure that windfalls and an unfair shift of the tax burden can be eliminated as far as possible.

Public education is not a federal responsibility nor a local responsibility. Under the Constitution it is a state responsibility. So it is you here who have the greatest measure of control over the tuition levels of our University system, and who determine how high property taxes must be to pay the costs of primary and secondary education. Past legislatures have acknowledged this obligation, most significantly through establishment of the Foundation Aid program.

But in this, as in other areas, we have too often failed to honor our own promises. We have behaved toward cities and



towns in a fashion we find abhorrent in the federal government's dealings with us. We often criticize the federal government for holding out the carrot of assistance and find after we have undertaken programs at their urging and with rising expectations that the carrot is gone, and we are thrown back on resources we do not have.

But we too have been similarly guilty. The State took on the responsibility of paying the employer's share of Social Security for the public school teachers. In 1971, the legislature eliminated this program of aid. But as in so many other instances, it could not eliminate this expense for the taxpayer — the cost was simply piled onto his property tax, a regressive burden that in New Hampshire is among the highest in the nation.

For many years New Hampshire people watched their sons and daughters leave the state in quest of better-paying job opportunities.

In 1970 we replaced the business property taxes on machinery, stock in trade and livestock with a tax based on business income. Not only was this the first major reform of our tax structure in this century — which suggests how difficult and delicate a subject this is — but this reform also set the stage for an era of normal and beneficial industrial growth in our state after years of stagnation.

But more must be done to assure the fullest opportunity for jobs for New Hampshire people — including additional tools to promote the right kind of industrial growth, the appropriate vocational training starting in secondary schools, and land use planning to assure that industry is compatible with a clean and attractive environment.

In all of these areas of concern and many others we have seen progress. All change is not progress, but without change there can be no progress. The people who sent you here have the hope, although rarely articulated, that each new day can hold the promise of improvements in our laws, in our institutions, and in their own opportunities for better lives.

While recognizing that there are unresolved problems before you, this session of 1973 gets underway in a favorable climate. For the first time in many years there is a significant amount of available revenue to meet the unmet needs.

When I assumed office in January 1969, there was a projected deficit of almost 3 million dollars. In 1971, the legislature met facing a shortfall in revenue of some \$40 million when available funds were balanced against maintenance-level spending needs.

This legislature, in happy contrast, meets with a biennial surplus expected to be between \$6 million and \$8 million. This sizable surplus is the result of the austerity budget of the current biennium coupled with sharply increased revenue from liquor and business profits tax sources.

And if our conventional tax sources grow at a normal rate, there will be another \$25 million above the current return from our existing sources of revenue.

Moreover, federal revenue sharing, a program for which I labored and lobbied as hard as I could, will produce about \$19 million for allocation in the next biennium.

Altogether, this means the availability of about \$50 million more than has been available to any previous General Court.

With this higher aggregate level of revenue, there should also be an awareness that current spending levels in a number of areas are woefully inadequate, especially our aid to cities and towns. It could fairly be said that the surplus is money already owed to our local communities which have found themselves getting less and not more in a time of growing need.

Another sobering warning is in order as well.

Almost half, or about \$8 million, of the revenue sharing funds which will be available to you for allocation in the next biennium are a bonus arising from the fact that the revenue sharing funds are retroactive to the beginning of 1972. Use of these monies to satisfy operating budget needs could result in an artificially high level of effort that will be difficult for the next General Court to maintain. I offer the hope that you would consider using these funds toward long deferred capital expenditures of a one-time nature or for reduction of existing bonded indebtedness where that is possible.

The opportunity is clearly here for a great step forward. The essential ingredient which must be added is a spirit of co-operation and compromise.



It is too easy to take hard positions and to be unyielding in causes about which you feel strongly. Too often we in public service allow ourselves to become polarized regarding important issues about which reasonable men may differ. Too often newspaper and other molders of opinion see issues only in black and white. This is a mistake which diminishes the good will which is required for any progress in improving the public welfare. There must always be a common meeting ground. If we are to have sensible rules governing our environment, for example, we must strike a balance between opposing factions, no matter how well motivated each might be. For if either side were to prevail, the people of the state would be the ultimate loser, unless accommodation is worked out in a spirit of good will.

I wish you all the very best as you undertake your labors in this new beginning.

An Irish poet has said that a good society is one that keeps the beer cool in summer and the old people warm in winter.

I would not change the spirit of that remark, but I know that your mandate is much broader and far more difficult to accomplish. For it is you here in this chamber who must grapple with and bring to resolution the pressing and often controversial matters that require courage, conviction and perseverance.

Oftentimes, you may find it impossible to maintain both the dictates of your conscience and popularity with your constituency. To assist you in your task, I commend to you a thought I have long admired:

"It's not the critic who counts, not the man who points out where the strong man stumbled, or where the doer of deeds might have done them better. The credit belong to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who errs and comes up short again and again; who knows the great enthusiasms, the great devotions, and who spends himself in a worthy cause. Who, at the end, may know the triumph of high achievement, and who, if he fails, at least fails while daring greatly, so that his place will never be with those cold and limpid souls who know neither defeat nor victory."

On motion of Sen. Lamontagne, the Joint Convention rose.

## HOUSE

The Speaker administered the oath of office to the House officers.

## RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that the House adopt the rules of the 1971 session as printed in the Black Book as the rules of the present session with the provision that amendments may be adopted by majority vote through January 18, 1973.

The Clerk read the resolution in full.

Adopted.

## RESOLUTION

Reps. Zachos and Coutermarsh offered the following:

*Resolved*, that the Speaker of the House be authorized to employ one custodian of mails and supplies, one warden of the coat room, one telephone messenger, other pages and messengers, and such professional assistants and consultants as may be deemed necessary and, with the approval of the Appropriations Committee, fix their compensation.

The clerk read the resolution in full.

Rep. Newell offered an amendment.

The clerk read the amendment in full.

Rep. Newell explained his amendment.

Reps. Zachos and Coutermarsh spoke against the amendment.

Rep. Newell withdrew his amendment.

Resolution adopted.

## RESOLUTION

Reps. George B. Roberts, Jr., and Huot offered the following:

*Resolved*, that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary.

The clerk read the resolution in full.

Adopted.

#### RESOLUTION

Rep. Hamel offered the following:

*Resolved*, that the Clerk of the House be instructed to procure 1800 copies of the legislative manual (Black Book) .

The clerk read the resolution in full.

Adopted.

#### RESOLUTION

Reps. Hamel, Newell, and Desilets offered the following:

*Resolved*, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the Clerk, within three legislative days, to confirm and correct the permanent Journal. The permanent Journal as thus prepared by the Clerk as corrected by the House shall be the official record of the House, and be it further

*Resolved*, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections of the same.

The clerk read the resolution in full.

Adopted.

#### RESOLUTION

Reps. Hamel and Bednar offered the following:

*Resolved*, that the Speaker appoint a committee of three to assign seats to the members.

The clerk read the resolution in full.

Adopted.

The Speaker appointed Reps. Hamel, Milne, and Bednar.

## RESOLUTION

Reps. Bigelow and Lynch offered the following:

*Resolved*, that the Speaker be authorized to appoint a committee of three to procure and assign suitable hearing rooms for various committees of the House.

The clerk read the resolution in full.

Adopted.

The Speaker appointed Reps. Bigelow, Raymond, and Lynch.

## RESOLUTION

Reps. Milne and Fortier offered the following:

*Resolved*, that the Sergeant-at-Arms of the House be instructed to procure and furnish to each member of the House and officers thereof, during the days when the House is in session, one daily newspaper published in the state, each member and officer to choose the paper he desires to have and indicate the same to the Sergeant-at-Arms forthwith.

The clerk read the resolution in full.

Adopted.

## RESOLUTION

Reps. Weeks and Belcourt offered the following:

*Resolved*, that the salary of the members of the House of Representatives be so divided that any member may receive one-fourth of his salary monthly for the first three months, the balance to be paid at the adjournment of the session, and be it further

*Resolved*, that mileage of members of the House of Representatives be paid every two weeks during the session.

The clerk read the resolution in full.

Adopted.

## RESOLUTION

Reps. Zachos and Coutermarsh offered the following:

*Resolved*, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees will be payable in advance.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid in to the state treasury and credited to the legislative appropriation. Any house attache who works overtime to furnish any of the services hereunder shall be allowed such additional sum for his overtime services as the Appropriation Committee shall deem fair and reasonable.

The clerk read the resolution in full.

Adopted.

## RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 2 through 99 and House Joint Resolutions numbered 1 and 2 and Concurrent Resolutions Proposing Constitutional Amendments numbered 1 through 4 and 8 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HB's, HJR's and CACR's  
First, second reading & referral

HB 2, relative to the filing of rules by state administrative

agencies. (Bradley of Grafton Dist. 5, Merrill of Grafton Dist. 14 — To Executive Departments and Administration.)

HB 3, relative to the appropriation of funds for the use of the governor. (Gordon of Merrimack Dist. 7, Cote of Hillsborough Dist. 28, Webster of Carroll Dist. 5 — To Executive Departments, and Administration.)

HB 4, providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid. (Roberts of Belknap Dist. 4, Bigelow of Merrimack Dist. 3 — To Labor, Human Resources and Rehabilitation.)

HB 5, establishing a municipal court in the town of Ashland. (Buckman of Grafton Dist. 9 — To Judiciary.)

HB 6, providing an alternate method of adopting zoning ordinances in towns and eliminating the provisions requiring two-thirds vote in certain instances. (Boucher of Rockingham Dist. 3 — To Municipal and County Government.)

HB 7, providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge. (Townsend of Sullivan Dist. 1, Read of Rockingham Dist. 4 — To Resources, Recreation and Development.)

HB 8, repealing the bounty on bobcats, establishing a closed season on bobcats, and relative to field trials for dogs. (Townsend of Sullivan Dist. 1 — To Fish and Game.)

HB 9, to provide for the adoption of absentee voting at certain town, village district and school district annual elections. (Roberts of Belknap Dist. 4 — To Statutory Revision.)

HB 10, relative to the registration and operation of off highway recreational vehicles. (French of Belknap Dist. 1 — To Transportation and Aeronautics.)

HB 11, prohibiting interference with recruitment or military activities on campus of public educational institutions by students, faculty or outside agitators. (Read of Rockingham Dist. 4 — To Judiciary.)

HB 12, prohibiting the coercion of hourly wage earners to



work over forty hours per week. (Cote of Hillsborough Dist. 28 — To Labor, Human Resources and Rehabilitation.)

HB 13, prohibiting motorboats powered by fuel on Brindle Pond. (Roberts of Belknap Dist. 4 — To Resources, Recreation and Development.)

HB 14, establishing a maximum thirty day residency requirement for voting. (Roberts of Belknap Dist. 4 — To Statutory Revision.)

HB 15, relative to mandatory sentences for heroin pushers. (Gordon of Merrimack Dist. 7 — To Judiciary.)

HB 16, relative to suspension of students in the university and state college system in possession of a controlled drug. (Gordon of Merrimack Dist. 7 — To Education.)

HB 17, relative to the suspension of pupils from public schools for possession of alcoholic beverages or controlled drugs. (Gordon of Merrimack Dist. 7 — To Education.)

HB 18, providing for absentee voting at the annual meetings in the Town of Barnstead. (Gordon of Merrimack Dist. 7 — To Municipal and County Government.)

HB 19, exempting certain motor vehicles hauling garbage or machinery from provisions of the motor vehicle carrying property for hire act. (Gordon of Merrimack Dist. 7 — To Transportation and Aeronautics.)

HB 20, repealing the statutes relative to the carrying of property for hire by motor vehicles. (Gordon of Merrimack Dist. 7 — To Transportation and Aeronautics.)

HB 21, providing for changing the classification of Kezar Lake in the towns of New London and Sutton. (Sherman of Merrimack Dist. 2 — To Resources, Recreation and Development.)

HB 22, prohibiting dual candidacy in the general election. (Gordon of Merrimack Dist. 7, Cote of Hillsborough Dist. 28 — To Statutory Revision.)

HB 23, providing funds for veterinary diagnostic laboratory by additional fees for licensing dogs. (Weeks of Rockingham Dist. 16, Scamman of Rockingham Dist. 15 — To Ways and Means.)

HB 24, relative to the taxation of capital gains under the business profits tax. (Harvell of Hillsborough Dist. 9 — To Ways and Means.)

HB 25, prohibiting the sale of real estate by the trustees of the New Hampshire College of Agriculture and Mechanic Arts, the University of New Hampshire and all its divisions and departments without prior legislative approval. (Gordon of Merrimack Dist. 7 — To Education.)

HB 26, relative to tip credit as pertaining to the minimum wage law. (Cote of Hillsborough Dist. 28 — To Labor, Human Resources and Rehabilitation.)

HB 27, relative to meal allowances under the minimum wage law. (Cote of Hillsborough Dist. 28 — To Labor, Human Resources and Rehabilitation.)

HB 28, requiring the sale of soft drinks and alcoholic malt beverages in returnable containers. (Cote of Hillsborough Dist. 28 — To Environmental Quality and Agriculture.)

HB 29, eliminating the exclusions in the minimum wage law and changing the amount of maximum credit for tips. (Cote of Hillsborough Dist. 28 — To Labor, Human Resources and Rehabilitation.)

HB 30, providing for all nonphosphate detergents to contain a warning that it removes fabric protection against inflammability. (Knight of Hillsborough Dist. 8 — To Public Health and Welfare.)

HB 31, limiting the real estate tax payable by persons over sixty-five to eight percent of their gross income. (Knight of Hillsborough Dist. 8 — To Ways and Means.)

HB 32, providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection. (Bartlett of Merrimack Dist. 8 — To Public Works.)

HB 33, requiring meat slaughterhouses to pay the cost of inspections conducted outside of regular business hours. (Benton of Rockingham Dist. 2 — To Executive Departments and Administration.)

HB 34, relative to the use of bicycles on public highways,



special bicycle paths or trails and the licensing of same. (Stevenson of Grafton Dist. 3 — To Transportation and Aeronautics.)

HB 35, relative to the distribution of court reports to various officers and bodies. (French of Belknap Dist. 1 — To Executive Departments and Administration.)

HB 36, relative to the notification of foreign corporations of suspension for nonpayment of fees. (French of Belknap Dist. 1 — To Executive Departments and Administration.)

HB 37, relative to filing first annual returns by corporations. (French of Belknap Dist. 1 — To Executive Departments and Administration.)

HB 38, relative to the New Hampshire American Revolution Bicentennial Commission. (Hamel of Rockingham Dist. 11 — To Executive Departments and Administration.)

HB 39, relative to the prohibition of county commissioners from simultaneously holding any other county office. (Noble of Merrimack Dist. 21 — To Municipal and County Government.)

HB 40, relative to officers and employees in state service holding elective office in the legislature. (Newell of Merrimack Dist. 16 — To Statutory Revision.)

HB 41, relative to exempting steam locomotives and engines from the provisions of the air pollution control law. (Greene of Rockingham Dist. 17 — To Environmental Quality and Agriculture.)

HB 42, providing that children shall be exempt from compulsory immunization with parental objection. (Cote of Hillsborough Dist. 28 — To Public Health and Welfare.)

HB 43, relative to controlling use of aqua-therms in the waters of this state. (French of Belknap Dist. 1 — To Resources, Recreation and Development.)

HB 44, to abolish the water commission in the town of Meredith and transfer its functions to the selectmen. (French of Belknap Dist. 1 — To Municipal and County Government.)

HB 45, relative to secretary of state transferring reports of state agencies to state library. (Benton of Rockingham Dist. 2 — To Executive Departments and Administration.)

HB 46, relative to the mode of hunting deer in the town of Chester. (Benton of Rockingham Dist. 2 — To Fish and Game.)

HB 47, relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home. (Tarr of Merrimack Dist. 17 — To Claims, Military and Veterans Affairs.)

HB 48, relative to enforcement of orders of tax commission for abatement of taxes. (Deoss of Merrimack Dist. 5 — To Judiciary.)

HB 49, imposing an additional percentage of certain fines as part of the fine and appropriating same for use by the program on alcohol and drug abuse rehabilitation. (Knight of Hillsborough Dist. 8 — To Judiciary.)

HB 50, lowering the age of majority from twenty-one to eighteen years of age. (Gordon of Merrimack Dist. 7 — To Judiciary.)

HB 51, establishing the quorum for county conventions and establishing number of votes necessary when a quorum is not present. (Colburn of Hillsborough Dist. 6 — To Municipal and County Government.)

HB 52, changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center. (Zachos of Hillsborough Dist. 25 — To Labor, Human Resources and Rehabilitation.)

HB 53, prohibiting the use of motorboats on the Cocheco River within the city limits of Rochester. (Thompson of Strafford Dist. 9 — Resources, Recreation and Development.)

HB 54, to provide for the surviving spouse of an intestate deceased to receive entire estate subject to just debts and expenses. (Merrill of Grafton Dist. 14 — To Judiciary.)

HB 55, providing for first offenders in felony cases to be examined by a county appointed psychologist prior to sentencing. (Merrill of Grafton Dist. 14 — To Judiciary.)

HB 56, making certain corrections in statutory reference to gambling. (Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 57, establishing restriction of out-of-state students at

the University of New Hampshire to fifteen percent of student enrollment. (Cote of Hillsborough Dist. 28 — To Education.)

HB 58, providing for optional notification to abutters by planning board of hearing on plats submitted. (Harvell of Hillsborough Dist. 9 — To Resources, Recreation and Development.)

HB 59, increasing the deduction for personal services contributed to the operation of rental property for partnerships and proprietorships from the business profits tax. (Read of Rockingham Dist. 4 — To Ways and Means.)

HB 60, providing for off-track wagering on certain dog and horse races within and without the state and creating the off-track wagering agency to administer the same, and making an appropriation therefor. (Cote of Hillsborough Dist. 28 — To Ways and Means.)

HB 61, repealing sections of the statutes relative to abortion. (Horan of Hillsborough Dist. 27 — To Public Health and Welfare.)

HB 62, relative to the incorporation of a state bank or trust company. (Hamel of Rockingham Dist. 11 — To Banks and Insurance.)

HB 63, repealing dual enrollment grants. (Horan of Hillsborough Dist. 27 — To Education.)

HB 64, relative to a mandatory penalty for illegal sales of narcotics for profit. (Webster of Carroll Dist. 5 — To Judiciary.)

HB 65, establishing a fee for duplicate copies of photographic licenses. (Hamel of Rockingham Dist. 11 — To Transportation and Aeronautics.)

HB 66, establishing a flat rate registration fee for all passenger motor vehicles except trucks and providing for a monthly proration of the fee. (Hamel of Rockingham Dist. 11 — To Transportation and Aeronautics.)

HB 67, relative to redistricting Merrimack county district 3. (Chandler of Merrimack Dist. 3 — To Municipal and County Government.)

HB 68, relative to weights and measures standards. (Gem-

mill of Grafton Dist. 10 — To Executive Departments and Administration.)

HB 69, relative to salary adjustments and increases for unclassified positions. (Newell of Merrimack Dist. 16 — To Executive Departments and Administration.)

HB 70, providing for the withdrawal of the town of Londonderry from Supervisory Union No. 10 (Boucher of Rockingham Dist. 3 — To Education.)

HB 71, relative to interest on tenant's security deposit. (Cote of Hillsborough Dist. 28 — To Labor, Human Resources and Rehabilitation.)

HB 72, relative to requirements and prohibitions for county officers and employees. (Spirou of Hillsborough Dist. 27 — To Municipal and County Government.)

HB 73, providing for better control over subdivision development of land in New Hampshire. (Webster of Carroll Dist. 5 — To Resources, Recreation and Development.)

HB 74, relative to regulation of the practice of pharmacy. (Mann of Grafton Dist. 6 — To Public Health and Welfare.)

HB 75, providing for stricter mandatory fines under litter control law. (Knight of Hillsborough Dist. 8 — To Judiciary.)

HB 76, relative to a mandatory minimum penalty for illegal sales of narcotics. (Cote of Hillsborough Dist. 28 — To Judiciary.)

HB 77, relative to restricting the state from incurring indebtedness by legislation. (Cote of Hillsborough Dist. 28 — To Appropriations.)

HB 78, authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire bank. (Woodward of Merrimack Dist. 20 — To Banks and Insurance.)

HB 79, to implement a guaranteed protection plan of motor vehicle insurance. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 80, regulating mass marketing of property-liability in-

insurance. (Cote of Hillsborough Dist. 28 — To Banks and Insurance.)

HB 81, increasing the amount of political expenditures authorized for candidate in primary elections seeking the office of governor, U.S. senator, representative in Congress, governor's councilor, county officer, state senator or representative to the general court. (Chandler of Merrimack Dist. 3 — To Statutory Revision.)

HB 82, relative to state college and university compulsory student activity fees. (Chandler of Merrimack Dist. 3 — To Education.)

HB 83, relative to actuarial work on the state's four retirement systems being done by the office of the state insurance commissioner. (Chandler of Merrimack Dist. 3 — To Executive Departments and Administration.)

HB 84, relative to special hunting license for bear. (Scott of Sullivan Dist. 6 — To Fish and Game.)

HB 85, establishing the office of comprehensive planning. (Weeks of Rockingham Dist. 16 — To Executive Departments and Administration.)

HB 86, requiring grantor at grantee's request to include in the warranty deed a covenant that the real estate at the time of purchase can be used for grantee's stated purpose. (Belair of Rockingham Dist. 5 — To Judiciary.)

HB 87, providing for the acquisition of the Shell Camp Pond Dam in the town of Gilmanton and making appropriation for the purchase, repair or reconstruction of same. (Roberts of Belknap Dist. 4 — To Resources, Recreation and Development.)

HB 88, relative to the time of taking office by school district officers elected at town meetings. (Nighswander of Belknap Dist 2 — To Education.)

HB 89, relative to stallions running at large. (Cate of Merrimack Dist. 14 — To Statutory Revision.)

HB 90, relative to removing the limit of horned pout. (Gordon of Merrimack Dist. 7 — To Fish and Game.)

HB 91, to close the deer sanctuary at Bear Brook State Park



in Allentown. (Gordon of Merrimack Dist. 7 — To Fish and Game.)

HB 92, providing that only buck deer can be taken in each odd year. (Gordon of Merrimack Dist. 7 — To Fish and Game.)

HB 93, relative to state employment of a state legislator or governor's councilor. (Cote of Hillsborough Dist. 28, Gordon of Merrimack Dist. 7 — To Executive Departments and Administration.)

HB 94, relative to public hearings on county budget hearings. (Gordon of Merrimack Dist. 7 — To Municipal and County Government.)

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license. (Greene of Rockingham Dist. 17 — To Public Health and Welfare.)

HB 96, requiring that alternate members be appointed to city zoning boards of adjustment. (Merrill of Grafton Dist. 14 — To Municipal and County Government.)

HB 97, relative to passenger vehicle safety. (Coutermarsh of Hillsborough Dist. 24 — To Transportation and Aeronautics.)

HB 98, to provide for substitute ex officio member for the director of fish and game on the pesticide control board. (Kopperl of Merrimack Dist. 9 — To Executive Departments and Administration.)

HB 99, establishing a public land and water fund. (Kopperl of Merrimack Dist. 9 — To Resources, Recreation and Development.)

HJR 1, in favor of Otis Barr for the death of a cow and making an appropriation therefor. (Roberts of Belknap Dist. 4 — To Claims, Military and Veterans Affairs.)

HJR 2, providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards. (Gemmell of Grafton Dist. 10 — To Appropriations.)

CACR 1, Relating to: Amendments to the Constitution proposed by the General Court. Providing That: The authority of the General Court to propose Constitutional Amendments be repealed. (Bradley of Grafton Dist. 5 — To Constitutional Revision.)

CACR 2, Relating to: Establishing a two year term for Attorney General. Providing That: The Attorney General shall be Elected Biennially for a two year term. (Gordon of Merrimack Dist. 7 — To Executive Departments and Administration.)

CACR 3, Relating to: Recall of Elected Officers. Providing That: Any Elective Officer, Except Judicial Officers Shall be Subject to Recall by the Voters. (Gordon of Merrimack Dist. 7; Cote of Hillsborough Dist. 28 — To Statutory Revision.)

CACR 4, Relating to: Right of adjournment by the house of representatives and the senate. Providing that: Neither the house of representatives nor the senate may adjourn for more than five days at a time without the consent of the other branch and with like consent they may adjourn in one recess of no more than thirty days within the first sixty days of a regular session. (Newell of Merrimack Dist. 16 — To Constitutional Revision.)

CACR 8, Relating to: Methods of Proposing Constitutional Amendments. Providing that: Approval by Two Biennial Assemblies of the General Court before a Question May be Submitted to Voters. (Newell of Merrimack Dist. 16 — To Constitutional Revision.)

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Rep. Coutermarsh nominated William Damour of Henniker as Assistant Clerk; seconded by Rep. Spirou.

Rep. George B. Roberts, Jr. nominated James Chandler of Portsmouth as Assistant Clerk; seconded by Rep. Merrill.

The vote was by secret ballot and the results as follows:

William Damour 185, James Chandler 174 and Paul Brown 1.

On motion of Rep. George B. Roberts, Jr. the vote was made unanimous.

### RESOLUTION

Reps. Zachos and Coutermarsh offered the following:

*Resolved*, that the Honorable Senate be informed that the House of Representatives has organized by the choice of James E. O'Neil, Sr. as Speaker, J. Milton Street as Clerk, William Damour as Assistant Clerk, Theodore Aucella as Sergeant-at-Arms and Guy Lagroe, Percy McQuin and Augustine Faretra as Doorkeepers.

The clerk read the resolution in full.

Adopted.

The clerk has received the report of the ad hoc committee on House Rules, and has placed a copy in each seat pocket.

The chair, hearing no objection, refers the report to the House Rules Committee and the Joint Rules Committee.

On motion of Rep. Hamel, the House adjourned at 4:41 p.m. to meet tomorrow at 11:00 a.m.

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*Thursday, 4Jan73*

The House met at 11:00 o'clock.

### JOINT CONVENTION

Prayer was offered by Rev. Arthur Clifford of Chesterfield.

O Lord, our heavenly Father, whose glory is in all the world, and who dost from Thy throne behold all the dwellers upon earth: We beseech Thee, with Thy favor to behold and bless Thy servants gathered here today, and especially be mindful of our President of these United States, our governor elect of this state and all others who bear rule throughout the World.

We come to Thee today as sons come to a loving Father. We give thanks for Your concern for us and Thy watchful care over us.



Fill all who serve this state and nation with the love of truth and righteousness. Teach us to use Your gifts in such manner that this world of Your creation may be better because of our stewardship.

Inspire, we pray Thee, the minds of all to whom Thou hast committed the responsibility of government and leadership in the nations of the world. Give to all the vision of truth and justice, that all peoples may work together in true brotherhood.

By the experience of living may we gain greater wisdom, more trustful faith, a deeper and wider compassion, and a more consecrated will.

Increase our powers to serve Thee so that our lives may not be lived in vain. Strengthen the hearts and hands of all who labor for peace with justice and freedom for all men. Make us aware of our kinship one with another as Thy children, that we may strive wisely to order all things among us according to Thy will; for the sake of Him who laid down His own life for us, Thy Son our Savior Jesus Christ. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Coutermarsh led the convention in the Pledge of Allegiance.

The Speaker presented Sen. Nixon, President of the Senate who addressed the convention briefly.

On motion of Sen. Provost the convention rose.

#### HOUSE

#### LEAVES OF ABSENCE

Rep. Karnis, the day, illness, the family.

Reps. King and Ames, the day, illness.

#### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 100 through 109 and House Joint Resolution number 3 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

## INTRODUCTION OF HB's and HJR

## First, second reading &amp; referral

HB 100, decreasing the membership of the data processing commission. (Newell of Merrimack Dist. 16 — To Executive Departments and Administration.)

HB 101, relative to aircraft financial responsibility. (Nutt of Grafton Dist. 13, Merrill of Grafton Dist. 14, Coutermarsh of Hillsborough Dist. 24 — To Transportation and Aeronautics.)

HB 102, to provide for the repayment of the Vermont Grant for the Lebanon Regional Airport, and making an appropriation therefor. (Nutt of Grafton Dist. 13, Merrill of Grafton Dist. 14, Coutermarsh of Hillsborough Dist. 24 — To Transportation and Aeronautics.)

HB 103, to provide for the disposition of abandoned aircraft. (Nutt of Grafton Dist. 13, Merrill of Grafton Dist. 14, Coutermarsh of Hillsborough Dist. 24 — To Transportation and Aeronautics.)

HB 104, relative to changing the structure for determining aircraft registration fees. (Nutt of Grafton Dist. 13, Merrill of Grafton Dist. 14, Coutermarsh of Hillsborough Dist. 24 — To Transportation and Aeronautics.)

HB 105, relative to setting traps for the taking of fur-bearing animals. (Cate of Merrimack Dist. 14 — To Fish and Game.)

HB 106, relative to absentee voter registration. (Cate of Merrimack Dist. 14 — Committee on Statutory Revision.)

HB 107, relative to restricting a lame duck governor's appointive and nominating powers. (Gordon of Merrimack Dist. 7 — To Executive Departments and Administration.)

HB 108, providing for the elimination of soft matches in state-federal financed activities. (Gordon of Merrimack Dist. 7 — To Appropriations.)

HB 109, relative to the establishment of an eight-man bipartisan advisory committee of representatives and senators to supervise the liquor commission. (Cote of Hillsborough Dist. 28 — To Executive Departments and Administration.)

HJR 3, making an appropriation to purchase an aircraft

for the New Hampshire Aeronautics Commission. (Nutt of Grafton Dist. 13, Merrill of Grafton Dist. 14, Coutermarsh of Hillsborough Dist. 24 — To Transportation and Aeronautics.)

### RESOLUTION

Reps. Zachos & Coutermarsh offered the following:

*Resolved*, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 11:45 o'clock for the purpose of receiving His Excellency, the Governor, and to hear any communication he may be pleased to make, and for the transaction of such other business as may properly come before such convention.

Adopted.

### SENATE MESSAGES

The Senate has voted to organize for the 1973 Session by the election of Sen. David Nixon as President; Wilmont S. White as Clerk; Carl Peterson as Ass't. Clerk; Milo Cheney as Sergeant-at-Arms; Willard Gowen as Doorkeeper.

### SENATE CONCURRENT RESOLUTION

Now Therefore be it Resolved by the Senate, the House concurring;

That the joint rules of the 1971 session be adopted as the joint rules of the 1973 session of the General Court; provided however that said joint rules may be amended by a majority vote in each House at any time prior to January 18, 1973.

Referred to Rules Committee.

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The Speaker appointed the following mileage Tellers.

#### Division 1

Francis Murphy  
Dana H. Lee

#### Division 2

Edward A. Johnson  
Cleon E. Heald

Walter O. Bushey  
Charles Everett Cummings

Division 3

J. Henry Montplaisir  
Orson H. Bragdon  
Ralph W. Wilson  
Wilfrid A. Boisvert

Division 4

Norman F. Milne, Jr.  
Fayne E. Anderson  
Jacob M. Hackler  
Lyman E. Collishaw

Division 5

E. George Warren  
Harold Burns

COMMUNICATION

3 January 1973

Dear Mr. Speaker:

Over the past fifteen to twenty years, parking in the downtown area of Concord has been a tremendous problem at best. Needless to say, when the General Court is in session, the problem is multiplied tenfold. This department and all of the city as a matter of fact, have tried to be cooperative and realistic about the situation even though at times it seemed we were operating on a one way street.

On this date, I have had numerous calls from irate citizens, taxpayers, merchants and city officials to the effect that no one has been able to get near city hall and the public library and some Main Street stores. Crosswalks and fire hydrants have been blocked to the point of becoming a serious hazard. On this basis, I am advising my men to tag cars that are in flagrant violation in front of city hall, the public library and directly in front of Main Street merchants that depend on turnover parking for their livelihood. These tickets will not be excused.

We will still abstain from ticketing cars on streets bordering the State House and Annex such as Park, Capitol, School and Centre Streets with the exception of the south side of School Street between Main Street and State Street. We will not get excited about cars in public parking lots even though the meter time has expired. We are not overly concerned with cars on Main Street that are parked in front of the Plaza or the urban renewal projects.

I hope this may clarify the situation and alleviate the never ending problem of legislative parking.

Sincerely,

Walter H. Carlson  
Chief of Police

### JOINT CONVENTION

Sen. Provost and Rep. Zachos offered the following report.

The Joint Committee appointed to wait upon Honorable Meldrim Thomson, Jr. and inform him officially of his election as Governor of the State of New Hampshire reports that it has attended to its duty; that the Governor-elect has accepted the said office and will meet the Senate and House of Representatives in Convention at the earliest convenient time to take the oath of office and make such communication as he deems proper.

Sen. Bradley and Rep. George B. Roberts, Jr. offered the following report.

The Joint Committee appointed to wait upon Lyle E. Hersom, James H. Hayes, Robert E. Whalen, John F. Bridges and Bernard A. Streeter, Jr. and inform them officially of their election to the Honorable Council, reports that it has attended to its duties, and that all of the gentlemen named have accepted the office.

Sens. Raymond and Porter and Rep. Bigelow offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Councilors reports that it has attended to its duties, and that the vote is correct.



## INAUGURATION

The Governor-elect and the Councilors-elect entered the House.

Invocation offered by Rev. Theodore Yardley of St. Paul School.

The Star Spangled Banner was sung by Eileen Farrell.

The President of the Senate David L. Nixon administered the oath of office to His Excellency, Meldrim Thomson, Jr. and presented him with a copy of the State Constitution.

A prayer for peace was offered by Rev. James C. Christon of The Assumption Greek Orthodox Church.

His Excellency, Meldrim Thomson, Jr., administered the oath of office to the Honorable Councilors.

A Prayer of Thanksgiving was offered by Rabbi Samuel Umen, Temple Adath Yeshurun.

The Governor then delivered his inaugural address as follows:

## INAUGURAL ADDRESS

of

MELDRIM THOMSON, JR.

Governor of New Hampshire

Mr. Speaker, Members of the General Court, Distinguished Guests, Ladies and Gentlemen:

We meet today to change the executive leadership of New Hampshire in an orderly and constitutional manner. This is the 91st such occasion in almost 200 years.

I am aware of the great burden of responsibility which the oath of office has just placed upon my shoulders.

My daily prayer shall be for strength to follow the wise counsel of the Prophet Isaiah who said:

"Learn to do well; seek judgment, relieve the oppressed, judge the fatherless, plead for the widow. Come now, and let us reason together."



I am deeply grateful to all who made this stewardship possible.

I stand before you today humbled in the sight of God by your faith, determined that the executive shield entrusted to me for the next two years shall be used for the benefit of all New Hampshire citizens and passed on to my successor reflecting untarnished the bright hopes of this moment.

As the days of the new administration unfold, I hope I can always keep in proper perspective the human side of the executive office. Thus, I might at least be able to stifle the stuffiness that sooner than later afflicts all officialdom.

How meaningless pomposity can be in the eyes of a child was neatly illustrated by a little boy who recently waited with his mother and two young brothers at the door of my temporary office to shake hands.

Impatiently he blurted out, "Come on, Mom. We can catch him on the way back — after we have seen the stuffed animals."

### *I. The Ancient Landmarks*

Two centuries ago, an irrepressible desire for freedom stirred the hearts of our forefathers, running on the winds from Portsmouth mansion to settlers' cabins on the farthest frontier.

In the beginning the dim light of American liberty flickered feebly on the hearths of the colonists. It burned steadily only in the breast of resolute and courageous men like John Langdon, Meshech Weare, Josiah Bartlett, and John Gilman, to mention but a few of our early patriots.

But the flame of liberty fed and spread quickly on the oppression and tyranny of Great Britain. It flashed and coruscated with growing intensity on the colonial horizon from the Boston Tea Party in December 1773, to the raid on Fort William and Mary at New Castle, New Hampshire, in 1774, and at the Battle of Bunker Hill in 1775. Finally, it erupted with blinding brilliance with the Declaration of Independence in 1776.

Now we stand at the threshold of the bicentennial celebration of the birth of American freedom. There is no better time for us to pause and to check the metes and bounds of the granite walls of that freedom in New Hampshire than during the next two years.

We must be careful that in the swirling complexities of modern society we remove not the ancient landmark which our fathers have set.

We in New Hampshire have inherited a special understanding of the meaning of liberty because our founding fathers were pacesetters in the revolutionary struggle for freedom.

At the Battle of Bunker Hill in 1775 when General John Stark led the embattled farmers, the men from New Hampshire outnumbered all of the other troops.

On January 5, 1776, the patriots of New Hampshire drafted the first written constitution in the American colonies.

On June 15th of the same year, we were the first colony to declare our independence of Great Britain.

Our present constitution of 1784 is the second oldest state constitution. It is four years older than the Federal Constitution which was made effective by the New Hampshire vote of ratification.

These are but a few of the ancient landmarks of our liberty!

We can by the amending process built into our state constitution point-up and strengthen these foundation walls of freedom. We can change and shape them to meet modern problems.

But if we truly believe the first article of our constitution, that all men are born equally free and independent (and that) all government of right originates from the people, is founded in consent, and instituted for the general good — then, we must be careful not to obliterate or destroy the ancient landmarks of freedom.

## *II. Constitutional Landmarks*

Let me quickly review with you five articles of our constitution that will serve as beacons to guide our administration through whatever troubled waters that might lie ahead.

1. *Sovereignty*. "The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state, and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining there-

to, which is not, or may not hereafter be, by them expressly delegated to the United States of America in Congress assembled." Thus reads Art. 7, Pt. I of our constitution.

We must be the repairer of the breach — the restorer of paths to dwell in!

### *III. Destroy Not the Landmarks*

As governor, I hope to serve as protector and conservator of the liberties of our people.

Freedom is a fragile thing. It is difficult to obtain; easy to lose. It is more quickly lost by the inattention and neglect of those possessing it than through the violence of outside pressures.

A free man is a solvent man. A free state is one that is economically sound.

More nations have fallen because of their inner moral and economic decay than before the cadence of the marching feet of an adversary.

We can not spend our way into plenty; we can, however, spend ourselves into slavery.

The temptation to spend is always greater than the desire to save. Thus, only an overriding love of freedom can checkrein the spending spree that leads us deeper and deeper into the forest of fiscal difficulties.

We in New Hampshire have not been as fast as other states to waste our sustenance. But our rate of spending has accelerated to the point where, if it were to continue, we would soon overtake many of the spender states.

Some states have so exhausted their sources of revenue that only a quick dose of federal revenue sharing was able to save them from financial disaster.

Through several wars and for many years we have steadily yielded to taxes more and more of that which we have earned.

Twenty years ago 25 cents out of every dollar earned in America went for local, state and federal taxes. Now Americans give to all tax collectors 43 cents out of every dollar earned.

With each new increase in the rate of taxation we constrict free enterprise and encourage the spread of socialism. Add 20 more years of this kind of governmental spending and American freedom will surely end.

The evil effects of this constant increase in government spending are many. Through inflation it robs our senior citizens of a large part of their life's savings. Through the building of huge public debts we have mortgaged the future of our children with a per capita indebtedness of more than \$2,000.00.

It should be obvious to all that we must trim our spending at national and state levels if we are to avoid either a drastic change in governmental structure or bankruptcy. In either case, the freedom that made America great would vanish.

Consider the spending pattern in New Hampshire in recent years.

Last December 30th we had 6,709 classified employees and 186 unclassified in state government.

By comparison there were 5,565 classified employees and 163 unclassified in January, 1969. Ten years ago there were 4,973 classified and 101 unclassified.

If we accede to all of the budget requests for new employees for fiscal 1974-75 we would add still another 1,700 employees to the state payroll, which would be a much larger increase in one year than for all of the ten prior years!

In the area of the operating budget which constitutes the revenues that must be raised by New Hampshire taxpayers the figures are even more revealing.

The net operating appropriation for 1972-73 was about \$162 million. To this must be added for reimbursement to towns for loss of taxes another \$40 million.

For fiscal 1974-75 the agencies are asking for a net operating budget of \$253,499,000. This would be an increase of \$92 million, if granted.

Now compare these figures with the operating budget of 1968-69 of about \$111 million and the operating budget of 1964-65 of about \$65 million.

Thus, we can see how rapid has been the escalation of state spending in recent years.

The same rapid increase has occurred in the spending of federal dollars and in the total indebtedness of the state.

For fiscal 1972 the appropriation we accepted was about \$97 million in federal money. This, of course, is nothing less than your tax dollars that took an expensive ride to Washington before coming home.

By comparison the amount of federal dollars budgeted for fiscal 1962 amounted to \$26 million.

In the ten years from 1961 to 1971 state bonds outstanding rose from \$79 million to \$154 million; temporary loans outstanding increased from \$12.8 million to \$21 million; and total interest payable increased from \$19 million to \$48 million.

These figures explain why the U. S. census figures in a recent issue of U. S. News and World Report show taxes per person collected in our state rose at the alarming rate of 87 per cent compared to a national average of 78 per cent.

Clearly, this is the time and this is the administration when we should try to check our rapid rate of spending.

It would be far easier for us to continue to run with the spending pack of lemmings until destroyed. It will take great courage and strong determination to discipline ourselves against the luxury of unnecessary spending.

I am confident that we can cut back on our spending without reducing essential services and while still providing for progress.

At stake is the most precious thing we possess — our liberty. I do hope that I can count on your cooperation in our vital effort to preserve the ancient landmark of freedom.

Pursuant to this article our administration will carefully check every federal regulation, every federal grant of money and every attempt to regionalize states. We shall vigorously oppose all bureaucratic efforts to dilute or destroy the sovereign power of this great state, whether they occur in Concord, Boston or Washington.

We will, of course, cooperate with our sister states and the federal government where mutual assistance will benefit New Hampshire.



We know of nothing that has occurred in two hundred years of history that has demonstrated that the power of our people for self-determination can be better served than by the federal fabric of our constitutional government in which the sovereign power is delicately woven with the federal warp and state woof.

In this same vein our administration will encourage legislation to assert the sovereignty of the State of New Hampshire to the seabed and waters 200 miles off of our shores.

While we look with serious concern on foreign ships probing our continental shelf and harassing our fishermen, which is primarily a federal matter, we recognize the potential wealth of this bit of ocean bed for future generations and will make a firm claim to it.

2. *Servants of the People.* According to Art. 8, Pt. I, "all power residing originally in, and being derived from, the people, all the magistrates and officers of government are their substitutes and agents, and at all times accountable to them."

This section underscores the belief of our founding fathers that participation in government is an opportunity to serve one's fellowman; not a chance for venal gain or special privileges.

Let us remember that one of the complaints against King George III in the Declaration of Independence was that he had "erected a multitude of new officers, and sent hither swarms of officers, to harass our people, and eat out their substance."

King George was an ambitious man. There are equally ambitious men with us today.

All magistrates and officers who wish to make a contribution to good government in this administration must enter through the door of service, leaving their personal ambitions behind.

We hope that not one of our seven thousand state officers and employees would deliberately harass our people. We do recognize that a complex web of state regulations and statutes often makes efficiency impossible and dilatory tactics prevalent.

In every way possible we shall help our officers and employees to be more efficient, and helpful in their service to our people.



With this in mind we shall establish in the governor's office a citizens' service bureau where every person can come for redress and help with problems involving his state.

I am anxious that all of us in the executive branch shall at all times remember that we are servants of the people and accountable to them.

3. *Freedom of Speech and Press.* The third beacon of this administration shall be a demonstration of our firm belief that "free speech and liberty of the press are essential to the security of freedom in a state," as provided in Art 22, Pt. I of the constitution.

We have long supported Right to Know legislation and amendments that would strengthen this essential tool of a free press.

We would also look with sympathetic concern on legislation that would protect to newsmen the sources of their information.

How the media writes its editorials or handles its news articles is, in our judgment, a matter for their discretion. Tasteless editorials and poor news coverage can best be judged in the open market place where the success or failure of a given unit of the media is ultimately determined.

However, there is a sharp and often thin line of distinction between free speech, liberty of the press and unbridled license. Neither our constitution nor our laws encourage filth, vulgarity, pornography or prurience. On the contrary, they proscribe against these moral aberrations.

These, and all other laws, will be firmly and justly executed throughout the state!

We believe it is important to good government that the media have access to all facts and information in the possession of government officials where that information is not affected with confidentiality or the exceptions made in the Right to Know Law.

We will soon issue instructions to all departments, agencies, boards and commissions advising them to cooperate with the media in these matters. We shall do our utmost to eliminate in-

ternal censorship by government officials of the legitimate sources of news.

4. *Separation of Powers.* "In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity."

Here in Art. 37, Pt. I, we find that separation of government power that is common to our state and federal governments. By this division of the basic powers of government we have developed in America a system of checks and balances that has made possible a government of laws.

Let us always remember that it is this government, close to the people and reflecting their will, that thus far has protected us from the tyrannical rule of any one man or group of men.

The continued success of American constitutional government rests heavily on the need for each of our three branches of government to be strong in their own right and co-equal in the composite whole.

a. *Legislative.* We look forward to working with the legislature; not working it over.

The primary responsibility for enacting legislation lies with our General Court. In the legislative process, in which the Executive and General Court share responsibilities, legislators may count on our sincere effort to be progressive in all things that benefit our people. Our office will always be open to and our staff available for members of the legislature.

We believe in the soundness of our large House and will work to preserve it. Its very size impedes manipulation by lobbyists. Its large number insures wide representation.

The best reason for a large House was well stated by Speaker Albert R. Hatch in 1874. Mr. Hatch of Portsmouth said to those who would like a small and manageable House:

"The inconveniences of a large assembly have been deliberately submitted to, that every man in New Hampshire can

have in the Legislature some representative with whom he is personally acquainted. The wisdom which gave to our state this near approach to a pure democracy, will influence us to listen attentively to every grievance and every expression of the public sentiment from however obscure or humble a source it may come."

Our legislators receive the lowest pay in the nation. While I am strongly committed to our citizens' form of government, I do believe that \$200 a biennium is an inadequate legislative compensation.

I would like to see a modest increase in the pay of our legislators, providing the question of a raise was put to our people on a constitutional referendum.

b. *Executive.* By the constitution the executive power is vested in the governor. He is responsible for the faithful execution of the laws.

In discharging this responsibility I shall try to follow the wise advice of Micah "to do justly, and to love mercy, and to walk humbly."

It was Thomas Jefferson who correctly said that when a man assumes public office he becomes the property of the public.

By a 1966 amendment to the constitution the governor was given sharpened responsibility for day to day control over the executive branch. This we shall use to promote greater efficiency throughout the departments and agencies of government.

We in New Hampshire share with two other states a unique executive institution inherited from colonial days. By the constitution five councilors advise with the governor and by statutes they share many of his responsibilities.

I am confident that the advice, guidance and cooperation which the councilors will bring to the executive branch will benefit all of our people. I look forward to a term of mutual respect and genuine cooperation with our councilors.

c. *Judicial.* The third co-equal branch of state government is the judiciary. The principal duty of this branch of our government is to interpret our constitution and laws and to administer justice.

Of the three divisions of government, this is presently the weakest and the one most in need of modernization.

I believe that the administration of justice in our state would be greatly improved if we had a fully professional judiciary. For this reason I have appointed a committee of lawyers and judges to give the governor guidance in developing a comprehensive revision of the judiciary.

I hope that our administration can take constructive measures in strengthening and improving the judicial branch of our government.

As a lawyer, conversant with and committed to the high principles of unselfish service to the public that have been traditional with the legal profession, I challenge the organized bar of our state to join with me in finding practical ways to improve the administration and quality of justice in New Hampshire.

5. *Fundamental Principles.* The most important of the five beacon lights to which we shall turn for guidance along our constitutional shoreline will be Art. 38, Pt. I of the constitution, which reads:

"A frequent recurrence to the fundamental principles of the constitution, and a constant adherence to justice, moderation, temperance, industry, frugality and all the social virtues, are indispensably necessary to preserve the blessings of liberty and good government; the people ought, therefore, to have a particular regard to all those principles in the choice of their officers and representatives, and they have a right to require of their lawgivers and magistrates, an exact and constant observance of them, in the formation and execution of the laws necessary for the good administration of government."

Here, then, are some of the ancient landmarks by which our founding fathers sought to define good government.

We believe with the colonial patriots that if we are to preserve for ourselves and our children the blessings of liberty and good government we must constantly cruise these landmarks for inspiration and direction.

There is much that is good and still applicable in the ancient landmarks of our heritage.

Let us blend the best of the old with the hopes of today in

charting a straight course of progress through the morrow.

The time has come when we must raise up the spiritual foundations of many generations.

Here it would be well for us to recall the suggestion of our constitution that economy is a virtue.

#### *IV. Prospective Landmarks*

Very briefly I want to outline the challenges for service to our people that jointly face us in this new year of 1973.

As a Republican I shall seek to implement through administration bills every plank in the 1972 State Republican Platform. As governor I shall give careful consideration to all legislation to arrive at my desk, excepting only a broad base tax, regardless of whether sponsored by a Democrat or Republican.

1. *Taxation.* There will be no broad base tax battle in this administration. True to my campaign promise I want to state unequivocally that it would be a useless waste of legislative energy to try to pass such a tax. I would veto it.

Let us then consider the alternatives to a broad base tax.

In the first Republican legislature to sit in this House, back in 1857, a Committee on Retrenchment and Reform was created. During the next 50 years it made many significant contributions in reorganization, balancing of budgets and avoiding heavy taxation. This great committee and its invaluable work came to an end in the boom days of 1927.

May I suggest to the House that this might be an ideal time to reestablish the Committee on Retrenchment and Reform so that efficiency and economy could become major priorities of the Legislature.

While we will not be battling over major new taxes, there is a pressing need to reexamine all aspects of our tax structure — revenue sources for our local communities, the property tax, revision of the Business Profits Tax and exemptions, to mention but a few. This would be a propitious moment to undertake such a constructive approach to our tax problems.

2. *State Hospital.* Several weeks ago we began work on the tragic problems of the state hospital. We quickly discovered



that maladministration was as much a problem at the hospital as a mini-budget.

The hospital urgently needs a good administrator. He need not be a doctor. We have therefore had introduced House Bill No. 1 to authorize Governor and council to appoint a qualified businessman as administrator of the state hospital. There will be other hospital bills to follow soon.

Mr. Speaker, Mr. President, House Bill No. 1 is a simple bill that will remove the key log from the hospital jam. We consider its passage of utmost urgency. I hope that we might have your prompt cooperation in making this first effective tool available for early use in our determined drive to improve the hospital.

3. *Law and Order.* We are concerned that the rate of crime is on the increase in New Hampshire — rising more rapidly than in the other New England states.

We shall endeavor to be fair and just in the administration of our laws. We shall be aggressive and tireless in our fight against crime.

The right of the public to peace and order — to protection of life and property — is of the highest priority in our society.

Thus, the threat of disturbances in our streets, on our campuses, and in our penal institutions shall not intimidate us nor detour us from our responsibility to protect all of our citizens from violence.

To aid us in the fight against crime we shall —

- a. Seek a new capital punishment law;
- b. Coordinate the battle against drug abuse from the governor's office;
- c. Revise the Crime Commission so that more emphasis is placed on crime prevention than on rehabilitation; and
- d. Seek mandatory sentences whenever statistics indicate a course of judicial leniency contrary to the clear intent of the legislature.

We cannot lose the fight against crime, for there will then be no heritage for our children.



4. *Education.* This administration is strongly committed to improving the quality of education in our public schools and institutions of higher learning.

We are creating a committee to undertake a revision of and to update our public school laws.

We shall look for more economical ways to build schools and to furnish and maintain them.

We shall search for ways to motivate teachers and reward the good and outstanding ones.

We do not believe quality education will be found in a federal cornucopia nor at the core of a ball of bureaucratic tape.

Quality education has eluded us because of late years we have been more interested in the ribbons and wrappings of education than in its simple essence. How can there be quality education if we fail, as we have in too many tragic instances, to provide our students with the rudimentary tools of communication?

This administration will work hard to improve educational opportunities for vocational training of our children. We must face the fact that a large segment of our young people will find their highest fulfillment in the crafts and arts. They are as deserving of our help as the college-bound student.

We shall also work diligently to improve our University system.

We shall work for —

a. A further reduction of tuition for students in the University system;

b. A line-item budget and an audit of University books that will insure a full disclosure of all facts to the public;

c. A review of all programs, all teaching and maintenance workloads, and all federally funded activities, in the hope that new directions of service for our students might be found.

5. *State Employees.* We have an outstanding corps of dedicated state employees. For too long we have sought to pay them in praises and promises, which, as nice as these things are, they have never added an article to the grocery basket.

Our administration considers a substantial pay raise for state employees a matter of high priority. We shall seek a pay increase as the first step of three in a six year program to bring New Hampshire state employees to a par with those in other New England States.

6. *Agriculture and Business.* Many years ago agriculture was the principal source of income in New Hampshire. In the past half century agriculture's importance has steadily declined while industry and service pursuits preempted the economy.

Farming, as a vocation and avocation, is still an important way of life to many New Hampshire families. It could be made even more so for there is a great agriculture and silviculture potential in our fields and forests.

The budget of our Department of Agriculture has been too small for many years.

I shall encourage our new Commissioner of Agriculture to increase it somewhat to insure better service to our farmers and a strong promotional program that will encourage new and expanded activities on our farmlands.

In a free enterprise system such as ours, business thrives on competition. It perishes from over-large doses of paternalism.

There are a number of things this administration will endeavor to do to restore New Hampshire to the high per capita industrial level it occupied in 1965.

For example, we shall —

a. Create an economy committee made up of businessmen to help us cut waste in government and thus keep taxes down;

b. Make a sincere effort to cut red tape wherever it may exist — whether in the Tax Commission, the Water Supply and Pollution Control Commission or the Air Pollution Control Agency.

c. Endeavor to preserve and expand the industries we have before spending one cent chasing some foreign will-o-the-wisp prospect in far away Germany.

d. Establish a shoe, textile and tannery committee to help these beleaguered industries at both the state and federal levels.

e. Watch carefully to see that restrictive regulations are not allowed to throttle businesses making an honest attempt at compliance.

7. *Pollution.* Pollution control is the business of all of our citizens. Clean air, water and land are essential to the good life. Here, as in so many human activities, a balanced program is necessary.

A pollution-free world achieved at the cost of a return to man's primordial beginnings is as unacceptable as a smog-drenched putrid-laden land.

We shall strive to remove pollution from our surroundings while endeavoring to preserve all industries that make a reasonable and continuing effort to eliminate their own brand of pollution.

We will oppose the establishment of new industries that fail to meet reasonable pollution controls.

We will encourage legislation to control large developments that might otherwise despoil our open spaces.

8. *Welfare.* Little Topsy, who grew like a weed and quite out of control, never had it as good as our welfare department.

From very cursory and incomplete evidence, it appears that our welfare, like the fabled porridge machine, goes merrily on grinding out more and more relief even though filled with the husks of inefficiency, duplication, and downright abuses, all at taxpayers' expense.

This administration is determined to take a long, penetrating look into the welfare system of New Hampshire that we might better know its shortcomings and provide for its improvement.

We shall support welfare for persons whose misfortunes and sufferings are beyond their own control. But we shall vigilantly guard against the misuse of taxpayers' money for the indolent and freeloaders of society.

9. *Sportsmen.* This administration will work closely with sportsmen in all sports activities. We believe that sports play an important and developing part in the lives of our people and should be encouraged.

We renew our pledge to seek several days of hunting and fishing for our New Hampshire sportsmen without competition from out-of-staters. We also will help snowmobilers develop trails.

We shall soon create a governor's committee on sports to help us find legitimate areas in which government can be helpful to sportsmen.

10. *Our Young and Senior Citizens.* Our loose spending habits have exacted an especially heavy toll against both our young and senior citizens through inflation. We could not help them more than by destroying this compassionless robber.

For months we have inveighed against that situation generated by a constitutional amendment and laws that make our 18 to 21 year old young people half citizens.

If we believe these young citizens should have the right to vote then surely they are mature and capable of discharging all of the responsibilities of citizenship. And that should also include the duty of paying the residency tax.

We shall make every effort to provide some small surcease from the financial frustrations of old age through some further relief from property taxes, the stock and dividend tax, and the rooms and meals tax. Our senior citizens deserve some warming rays from the setting sun of life.

#### *V. Conclusion*

We have here traced the ancient landmarks and drawn the outlines for new ones.

As free men we can dream of the heights and breadths that stretch the human imagination.

As practical men and women we can raise new hopes for progress on the solid foundations of the past.

As God-fearing men and women we can answer with compassion the needs of our less fortunate fellowmen.

I urge you to join me in a constructive effort to serve the citizens of this great state to the very best of our abilities.

What we do in this State House in the next two years will have a profound effect on the future of our state.

Let it be for the good of all men as God may give us the light to judge.

A Prayer for a Successful Administration was offered by Rev. Sherman A. Stevens of the Evangelical Baptist Church.

Monsignor Thomas S. Hansberry, P.A. Vicar General of the Diocese of Manchester gave the Benediction.

On motion of Sen. Foley the Joint Convention rose.

## HOUSE

### STANDING COMMITTEES OF THE HOUSE APPROPRIATIONS

#### REPUBLICANS

Drake, Arthur M., Chairman  
Weeks, Edna B.,  
Vice Chairman  
Bell, Kenneth G.  
Cassasa, Herbert A.  
Ferguson, Charles W., Jr.  
Saggiotes, James A.  
Ainley, Greta M.  
Raymond, Sumner W.  
Scamman, W. Douglas, Jr.  
Howard, C. Edwin  
Burleigh, Joseph  
Kidder, William F.  
Hough, Ralph D.  
Davis, Esther M.

#### DEMOCRATS

Belcourt, Agenor  
McGinness, Charles L.  
Saunders, Michael  
Richardson, John W.  
Huot, David O.  
Clougherty, John J.  
Goff, John B.  
Piper, Donald J.

### BANKS AND INSURANCE

#### REPUBLICANS

Bigelow, L. Waldo, Jr.,  
Chairman  
Milne, Norman F., Jr.,  
Vice Chairman  
Leighton, Max W.  
Montplaisir, J. Henry  
Bartlett, Clarence E.  
Woodward, Eugene H., Jr.  
Burns, Harold W.  
Wilson, Ralph W.

#### DEMOCRATS

Lamy, Catherine G.  
Burrows, Adolph J.  
Dwyer, Donald R.  
Gelinis, David L.  
Gabriel, Robert L.  
Nims, Stuart V.  
McEachern, Paul  
Dupont, Claude E.  
Smith, Craig D.



Carter, Malcolm M.  
 Ackerson, Elmer R., Sr.  
 Wiggin, Elmer S.  
 Smith, Tony  
 Deoss, Joseph H.  
 Helie, Wayne E.

## CLAIMS, MILITARY AND VETERANS AFFAIRS

### REPUBLICANS

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 Chairman  
 Gay, Charles H.,  
 Vice Chairman  
 Soule, Earle L.  
 Richardson, Mabel L.  
 Thompson, Arthur E.  
 Krainak, Joseph A.  
 Chandler, John P. H., Jr.  
 Eaton, Myrl R.  
 Slicer, George F.  
 Marsh, Norman C.  
 Wiggins, George I.  
 Parr, Ednapearl F.  
 Erler, Robert C.  
 Hood, Robert E.

### DEMOCRATS

Champagne, Edward  
 Levasseur, Alphonse  
 Allard, Edmond  
 Migneault, Thomas J.  
 Lemire, Armand R.  
 Thibeault, P. Robert  
 Lambert, Lucien G.  
 Tarr, Kenneth M.

## CONSTITUTIONAL REVISION

### REPUBLICANS

Eaton, Joseph M., Chairman  
 Harvell, John C.  
 Vice Chairman  
 Sherman, Kenneth L.  
 Buckman, Harold V.  
 Haller, Martin R.  
 Hood, Robert E.  
 Boucher, Laurent J.  
 Estabrook, Paul S.  
 Smith, Leonard A.  
 Wiggins, George I.

### DEMOCRATS

Joncas, Grace L.  
 Sylvain, Donald  
 Splaine, James R.  
 Gardner, William M.  
 Call, Robert T.  
 Boisse, Roger O.  
 Valliere, Alcide E.  
 D'Amante, Carmine F.



Gillmore, Robert H.  
 Lemay, Margaret S.  
 Langdell, Theodore R.  
 Beckett, John A.  
 Humphrey, James A.

## EDUCATION

## REPUBLICANS

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 Lockhart, Richard S.,  
     Vice Chairman  
 Van Loan, Anna S.  
 Boucher, William P.  
 Lyons, Elaine T.  
 Dawson, Ruth H.  
 Matheson, L. Keith  
 Webster, T. Anne  
 Scranton, Andrea A.  
 Hager, Elizabeth S.  
 Webb, William M.  
 Finlaid, Eino O.  
 Messina, Lois K.  
 D'Allesandro, Louis C.  
 Rock, David Alan

## DEMOCRATS

Maloomian, Helen  
 Winn, Cecelia L.  
 Roy, Mary R.  
 Chambers, Mary P.  
 Horan, William F., Jr.  
 DeCesare, Grace L.  
 Jones, Albert C.  
 LaRoche, J. Paul

## ENVIRONMENTAL QUALITY AND AGRICULTURE

## REPUBLICANS

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 Read, Maurice W.,  
     Vice Chairman  
 MacGregor, Herbert L.  
 Colburn, Marjorie D.  
 Ames, H. Robie  
 Dunham, Janet W.  
 Milbank, Robbins  
 Turner, Virginia W.  
 Campbell, Marilyn R.  
 Rowell, Ruth T.  
 Barrus, George A.  
 Rogers, Myrtle B.  
 Curran, Kenneth E.

## DEMOCRATS

Ruel, Alfred J.  
 Burrows, Adolph J.  
 Bruton, George A.  
 McEachern, Joseph A.  
 Bradley, David J.  
 O'Neil, Dortha M.  
 Woodruff, Marian D.  
 Lint, Janis R.

Kashulines, Juanita E.  
 Bowler, Barbara B.

## EXECUTIVE DEPARTMENTS & ADMINISTRATION

### REPUBLICANS

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 Roberts, Charles B.,  
     Vice Chairman  
 Noble, John H.  
 Withington, Richard W., Sr.  
 Palfrey, William  
 Wuelper, Marion  
 Tucker, John B.  
 Plumer, Richard C.  
 Duprey, Stephen M.  
 Cobleigh, Neal W.  
 Harvey, Sheldon D.  
 Hoar, John, Jr.  
 Allen, Roderick T.  
 Townsend, Sara M.

### DEMOCRATS

Cote, Margaret S.  
 Boisvert, Wilfrid A.  
 Cote, Joseph L.  
 O'Connor, Roderick H.  
 Shea, Barbara F.  
 Cushman, Kathryn M.  
 Hildreth, Peter C.  
 Gallen, Hugh J.  
 Bernier, Leo R.

## FISH & GAME

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 Tirrell, Loring V.,  
     Vice Chairman  
 Huggins, Harry F.  
 Randall, Anthony T.  
 Scott, Jesse W.  
 Simmons, Peter S.  
 Patrick, David K.  
 Stimmell, John H.  
 Webster, Clarence L.  
 Thomson, Harold E.  
 Thibeault, George J.  
 Fletcher, Ernest W.  
 Tuttle, William E.  
 Griffin, Ruth L.  
 Warren, Roger K.

### DEMOCRATS

Trombly, Hector  
 Lesmerises, Origene E.  
 Hunt, Roger L.  
 Bushey, Walter O.  
 Maynard, Ralph C.  
 Connors, Thomas P., Sr.  
 Polak, Andrew J.  
 Brodeur, Robert J.  
 Winn, John T.

## INTERSTATE COOPERATION

## REPUBLICANS

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 Greene, Elizabeth A.,  
     Vice Chairman  
 Ainley, Greta M.  
 Roberts, George B., Jr.  
 Wiggin, Elmer S.

## DEMOCRATS

Gardner, William M.  
 Pryor, Nelson A.  
 Woodruff, Marian D.

## JUDICIARY

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 McManus, Anthony A.,  
     Vice Chairman  
 Eastman, Edwin W.  
 Record, Louis D., Jr.  
 Brungot, Hilda C. F.  
 Nighswander, Esther R.  
 Currier, Philip R.  
 Close, Elmer H.  
 Nutting, Frank A., Jr.  
 Sullivan, David T.  
 Jones, H. Gwendolyn  
 Lewko, Alexander P.  
 Southwick, Richard  
 Underwood, Barbara J.

## DEMOCRATS

Healy, Daniel J.  
 Alukonis, Stanley  
 Tarr, Kenneth M.  
 Theriault, Romeo J.  
 Forcier, Homer J.  
 Spirou, Chris  
 Buckley, Robert B., Jr.  
 Stevens, Anthony  
 Dudley, Dudley W.

## LABOR, HUMAN RESOURCES &amp; REHABILITATION

## REPUBLICANS

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     Chairman  
 Stevenson, Malcolm J.,  
     Vice Chairman  
 Ineson, John H.  
 Geiger, Ronald E.  
 Carswell, Minnie F.  
 Simard, Paul H.  
 Fisher, William B.

## DEMOCRATS

Gamache, Ovila  
 Lynch, Doris T.  
 McDonough, William J.  
 Bouchard, David J.  
 Smith, Craig D.  
 McGlynn, Margaret L.

Jones, Donald P., Sr.  
 Rice, Edith S.  
 Skinner, Patricia M.  
 Stevens, Elliot A.  
 Sanborn, Leonard F.  
 Kincaid, William K.

## LEGISLATIVE ADMINISTRATION

### REPUBLICANS

### DEMOCRATS

Gemmill, John K., Chairman    Wilcox, John D.  
 Sherman, Kenneth L.,  
     Vice Chairman  
 Hamel, Stanley A.

### SUBCOMMITTEES

### ELECTIONS

Bigelow, L. Waldo, Jr.,                      Healy, Daniel J.  
     Chairman                                      Fortier, Guy J.  
 Mann, Aruthur F.  
 Raymond, Sumner W.

### ENROLLED BILLS

Richardson, Mabel L.,                      Chambers, Mary P.  
     Chairman                                      Harriman, Katherine J.  
 Read, Maurice, Vice Chairman  
 Scranton, Andrea A.

### HOUSE RESOLUTIONS & SCREENING

Milne, Norman F., Jr.,                      Vachon, Marcel A.  
     Chairman  
 Roberts, Charles B.

### JOURNAL

Hamel, Stanley A.,                      Cote, Margaret S.  
     Chairman  
 Newell, Henry C.,  
     Vice Chairman

### MILEAGE

Casassa, Herbert A.,                      Desilets, Romeo A.

Chairman	Wilcox, John D.
Tilton, John H.	
Bragdon, Orson H.	

## JOINT LEGISLATIVE ORIENTATION

Townsend, Sara M.,	Foley, Eileen
Chairman	
Smith, Stephen W.,	
Vice Chairman	
Hager, Elizabeth S.	
Gemmill, John K.	
Haller, Martin R.	
White, Wilmont S.,	
Senate Clerk	
Street, J. Milton	
House Clerk	
Marx, Arthur G., Legislative	
Services Director	

## LIQUOR LAWS

## REPUBLICANS

Collishaw, Lyman E.,  
Chairman  
Enright, Edward H.,  
Vice Chairman  
Murphy, Francis  
Peabody, Raymond B.  
Brown, Benjamin A.  
Pray, Harry H.  
Twigg, George, III  
Erickson, Duane H.  
Barka, Ernest P.  
Richardson, Harriet W. B.

## DEMOCRATS

Vachon, Marcel A.  
Desmarais, William A.  
D'Amante, Carmine F.  
Lachance, Henry J.  
Aubut, Adelard J.  
Bernard, Mary E.  
Lemire, George E.  
Desilets, Romeo A.  
Chasse, Peter N.  
Barrett, William F.  
Duhaime, Roger M.  
Mason, Samuel F.  
Conway, Frank T.  
Sweeney, James A.  
Grady, Emmett J.



## MUNICIPAL AND COUNTY GOVT.

## REPUBLICANS

Hanson, Richard D.,  
 Chairman  
 Benton, Richardson D.,  
 Vice Chairman  
 Cox, Grace N.  
 Randlett, Dorothy V.  
 Mann, Ezra B.  
 Cogswell, Charlotte P.  
 Hammond, Ralph F.  
 Townsend, Madeline G.  
 Savage, Harold E.  
 Olden, Dana E.  
 Brown, G. Winthrop  
 Whipple, Daley E.  
 Perkins, Arnold B.  
 Davis, Roy W.  
 King, Roger C.  
 Sununu, John H.

## DEMOCRATS

Bednar, John M.  
 Burke, John A.  
 O'Connor, Timothy K.  
 Hebert, Roland H.  
 Chasse, Romeo A.  
 Ethier, Donald L.  
 Bergeron, Paul R.

## PUBLIC HEALTH AND WELFARE

## REPUBLICANS

Spaulding, Roma A.,  
 Chairman  
 Lee, Dana H.,  
 Vice Chairman  
 Johnson, Edward A.  
 Howard, Donalda K.  
 Griffin, Ruth L.  
 Goodrich, Vera E.  
 Thompson, Barbara C.  
 Wilson, Helen F.  
 Gordon, George E., III  
 Metcalf, Warren F.  
 Haller, Martin R.  
 Roy, Vesta M.  
 Pierce, Carol J.  
 Andersen, Chris K.

## DEMOCRATS

Daniell, Eugene S., Jr.  
 Perkins, John H., Jr.  
 Maloomian, Helen  
 Sweeney, James A., Jr.  
 Sullivan, Mary J.  
 Beaulieu, Emile D.  
 Goff, Elizabeth E.  
 Copenhaver, Marion L.

## PUBLIC WORKS

## REPUBLICANS

Mann, Arthur F., Chairman  
 Daniels, Forsaith,  
     Vice Chairman  
 Spollett, Doris M.  
 Davis, Alice  
 Dame, C. Cecil  
 Cummings, Charles E.  
 Hackler, Jacob M.  
 Bragdon, Orson H.  
 Coburn, Roscoe N.  
 Parker, Harry C.  
 Galloway, Robert L.  
 Kidder, Victor L.  
 Ellis, Richard I.  
 McLaughlin, Lawrence G.

## DEMOCRATS

Fortier, Guy J.  
 Gagnon, Rebecca A.  
 McEachern, Joseph A.  
 Sylvain, Donald  
 Belair, Laurence  
 Martineau, Albert R.  
 Healy, George T.  
 Plourde, Robert E.

## RESOURCES, RECREATION AND DEVELOPMENT

## REPUBLICANS

Claffin, Russell G.,  
     Chairman  
 Junkins, F. Leroy,  
     Vice Chairman  
 Williamson, Stanley H.  
 Heald, Philip C., Jr.  
 Schwaner, Annie Mae  
 Tilton, John H.  
 Kopperl, George D.  
 Spalding, Kenneth W., Jr.  
 Lawton, Robert M.  
 Townsend, Sara M.  
 Page, Henry H.  
 Davis, Dorothy W.  
 Ladd, Elizabeth  
 Nelson, Rudolph S., Jr.  
 Boyd, Jack

## DEMOCRATS

Oleson, Otto H.  
 Rousseau, Omer A.  
 Harriman, Katherine J.  
 Lefebvre, Roland J.  
 Winkley, Noreen D.  
 Charest, Thomas J.  
 Pryor, Nelson A.  
 Tanner, Patrick P.

## RULES

## REPUBLICANS

Roberts, George B., Jr.,  
Chairman  
Casassa, Herbert A.,  
Vice Chairman  
O'Neil, James E., Sr.  
Chase, Russell C.  
Weeks, Edna B.

## DEMOCRATS

Coutermarsh, Ernest R.  
Belcourt, Agenor  
Vachon, Marcel A.

## STATE INSTITUTIONS

## REPUBLICANS

Heald, Cleon E., Chairman  
Knight, Alice T.,  
Vice Chairman  
Anderson, Fayne E.  
Preston, Howell F.  
Senter, Kenneth L.  
Maguire, Frank A., Jr.  
Streeter, Bernard A.  
Vey, Mary T.  
Drew, Harold F.  
Rich, Wayne S.  
Zechel, Caroline N.  
Gorman, Donald W.  
Tibbetts, Thelma P.  
Hodgdon, Paul A., Sr.

## DEMOCRATS

Cushman, Kathryn M.  
Bernard, Mary E.  
Cotton, Mary E.  
O'Connor, Roderick H.

## STATUTORY REVISION

## REPUBLICANS

Chase, Russell C., Chairman  
Cate, Milton A.,  
Vice Chairman  
Murray, Fred E.  
Richardson, Mabel L.  
Thompson, Doris L.  
Drew, Harold F.  
Ouellette, Romeo  
Newell, Henry C.  
Humphrey, Howard S., Sr.

## DEMOCRATS

Sewall, F. Albert  
Altman, Carl F.  
Stevens, William J.  
Sabbow, Fritz T.  
Wilcox, John D.  
Joyce, Richard P.

Eaton, Clyde S.

Conley, Raymond K., Jr.

### TRANSPORTATION

#### REPUBLICANS

Hamel, Stanley A., Chairman

Parnagian, Aram,  
Vice Chairman

Karnis, Theodore H.

Mattice, Russell C.

Bradley, Richard L.

Cary, Russell S.

Jones, Anthony K.

Tavitian, K. Michael

Murray, James W.

MacDonald, John L.

Akerman, Oliver H.

Harrison, Steven A.

Clark, W. Murray

Sanborn, Leonard F.

Meserve, John H.

#### DEMOCRATS

Woods, Gerald G.

Lambert, Lucien G.

Lamy, Catherine G.

Lebel, Lorraine F.

Keefe, William F.

Duhaime, Roger M.

D'Amante, Carmine F.

### WAYS AND MEANS

#### REPUBLICANS

Sayer, James A., Chairman

Nutt, David C.,  
Vice Chairman

Warren, E. George

Johnson, Elmer L.

Yardley, William L.

Tripp, J. Thornton

Hall, Betty B.

Cunningham, Wilfred R.

Gordon, Anne B.

Chandler, John P. H., Jr.

Parker, Gerry F.

Parr, Ednapearl F.

Canney, Ralph W.

Seamans, Henry J., Sr.

Galloway, Robert L.

#### DEMOCRATS

Cullity, William J.

Clancy, Edward D.

Keefe, William F.

Twardus, John

Bourassa, C. Edward

Splaine, James R.

Nardi, Theodora P.

Donnelly, Helene R.

On motion of Rep. Scranton the House adjourned at 1:15 p.m. to meet Tuesday next at 11:00 a.m.

*Tuesday, 9Jan73*

The House met at 11:00 o'clock.

Prayer was offered by Rev. Karl E. Dowd, Diocesan Camp Director, Immaculate Heart of Mary Church, Concord.

**God, Our Father**, as we begin this day, we thank You for the land we live in; not because it is perfect, but because it is ours, ours to make of it what we will. Here we have our homes; here we share life with those we love. There can be no more compelling reason on earth for offering thanks to You. And there is no better way of showing our thanks by sharing this gift of freedom with our fellow man. We have been entrusted by our constituents through their freedom to represent them here in this chamber of our legislature. Make us aware of the needs of all peoples in our state, not just those who may be vocal. We pray that we may be given open ears, that they may hear voices calling to high endeavors; open minds, ready and willing to receive new light and truth as they are revealed to us; open eyes, quick to discover Your indwelling in all the wondrous world which You have created, and most especially in the less fortunate in our state; and open hands, ready to share, holding all good things as a sacred trust of our function for You and Your creatures here on earth.

And so as we toil amid the pressures of these days, we humbly invoke Your guidance as with a sense of awesome responsibility there are faced in the forum of our State the thorny and difficult problems which lay before us in the days ahead.

We ask this in the Spirit of the One who came not to be served, but to serve. Amen.

**PLEDGE OF ALLEGIANCE**

Rep. Burns led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Reps. Van Loan, Olden, and Greene, the day, illness.

Rep. Geiger, the week, illness.



Reps. Erickson and Meserve, the day, important business.

Rep. Macdonald, the week, important business.

Rep. Currier, today and tomorrow, important business.

### RESIGNATIONS

Reps.-Elect Dodge and Paul tendered their resignations, as follows:

Robert L. Stark  
Secretary of State

Dec. 13, 1972

Dear Sir;

Due to the conflict in the hours of my work and the time of the sessions of the House, which make it impossible for me to attend to the discharge of the duties of a Representative, it is with regret that I must submit my resignation as a member of the House of Representatives from the 19th District, Ward 4, of the City of Nashua.

Respectfully,  
Albert N. Paul

Honorable James E. O'Neil  
Speaker of the House of Representatives

Dec. 30, 1972

Dear Mr. Speaker:

At the present time I am a patient at The Veterans Administration Center, Togus, Maine. It appears that it is going to be impossible for me to serve my term in the house of representatives.

Therefore with regret I must tender my resignation.

Very truly yours,

John T. Dodge

The Speaker accepted the resignations with regret.

### COMMITTEE CHANGES

Tanner, Patrick from Statutory Revision to Resources, Recreation and Development

Sabbow, Fritz from Resources, Recreation and Development to Statutory Revision

Hildreth, Peter from State Institutions to Executive Departments and Administration

Berner, Leo from Executive Departments and Administration (this was a second comm.)

D'Amante, Carmine (this is a second comm.) to Transportation

Thibeault, Robert from Transportation to Claims, Military and Veterans Affairs

Grady, Emmett from Claims, Military and Veterans Affairs to Liquor Laws

Carswell, Minnie from State Institutions to Labor

Weeks, Edna to Rules

#### APPOINTMENT OF FLOOR LEADERS

Deputy Speaker — Kimon S. Zachos

Majority Leader — George B. Roberts, Jr.

Assistant Majority Leader — Elizabeth A. Greene

Majority Whip — Russell C. Chase

Minority Leader — Ernest R. Coutermarsh

Assistant Minority Leaders — Marcel A. Vachon

— Cecelia L. Winn

— Eugene S. Daniell

— Mary P. Chambers

— John M. Bednar

— Chris Spirou

Minority Whip — Robert E. Plourde

#### RESOLUTION

The following resolution was offered by Reps. Zachos and Coutermarsh:

*Resolved* by the House of Representatives that the speaker, after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snow storm or other hazardous condition which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recom-

mendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord, or who is already in Concord, on legislative business on any day that a meeting of the House is under the authority of this resolution cancelled, shall be entitled to legislative mileage for such attendance on legislative business.

The clerk read the resolution in full.

Adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 1

Rep. Horan offered the following:

*Be it Resolved* by the House of Representatives, the Senate concurring:

That no draftee in the armed forces of the United States, against his will, shall be sent beyond the continental limits of the United States, except in a war specifically declared by an act of the Congress of the United States; and

*Be It Further Resolved*, that certified copies of this resolution be forwarded by the secretary of state to members of the United States New Hampshire delegation, the clerk of the United States Senate, the clerk of the United States House of Representatives, and to the President of the United States of America.

The clerk read the resolution in full.

Referred to the Resolutions Committee.

#### HOUSE CONCURRENT RESOLUTION NO. 2

Rep. Zachos offered the following:

Inviting Chief Justice Kenison to Address a Joint  
Convention on the State of the Judiciary.

*Whereas*, many legislators, as well as members of the public, are not fully informed as to the operation of the Judiciary, although it is a coequal branch of government with the legislative and executive branches; and

*Whereas*, all legislators should have and would welcome the opportunity to be addressed by a representative of the Judicial branch of government; and

*Whereas*, such a presentation concerning the state of the Judiciary would be beneficial to both the judicial and legislative branches of government, as well as give the legislature an in-depth view of the successes, problems, and goals of the Judiciary; and

*Whereas*, the Honorable Warren E. Burger, Chief Justice of the United States Supreme Court, has recommended that an excellent manner in which to strengthen the cooperation and understanding between the legislative and judicial branches of government would be to implement, on an annual basis, a "State of the Judiciary" address to the state legislatures by the chief justice of each state's highest court;

*Now Therefore Be It Resolved* by the House of Representatives, the Senate concurring:

That the Chief Justice of the New Hampshire Supreme Court, the Honorable Frank R. Kenison, is cordially invited to address the house of representatives and senate in joint convention at a time to be determined by the leadership of both houses.

The clerk read the resolution in full.

Adopted.

### HOUSE CONCURRENT RESOLUTION NO. 3

Rep. George B. Roberts, Jr. offered the following:

memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war.

*Whereas*, On November 8, 1950, the first American United States Air Force advisers arrived in Vietnam to assist the French and South Vietnamese, who at that time were deeply engaged in the Indochina War, and we have remained in Vietnam during twenty years of continuing combat, and

*Whereas*, After the fall of Dien Bien Phu in May 1954 and the partitioning of Vietnam at the 17th parallel, French forces withdrew and the American presence was gradually increased and escalated as more and more Americans were committed during the ensuing years of insurgency, and

*Whereas*, Many Americans were killed and injured during

the twenty years of continuous strife, the first combat death that the government officially recognizes occurred in 1961, over three and one-half years before the date now set as the start of the Vietnam Conflict, August 5, 1964, and

*Whereas*, The United States Senate has twice voted to repeal the Gulf of Tonkin Resolution that was passed as a result of the attack by the North Vietnamese on August 5, 1964 against United States Navy ships cruising in the Tonkin Gulf. The administration has publicly stated that it does not regard the Gulf of Tonkin Resolution as the basis for its authority to operate in Vietnam, therefore there no longer exists any validity for retaining August 5, 1964 as the starting date of the Vietnam Conflict, now therefore be it

*Resolved* by the House of Representatives of the State of New Hampshire, the Senate concurring:

That the Congress of the United States is hereby memorialized to set February 1, 1955 as the starting date of the Vietnam Conflict for the purposes of veterans administration and all other branches of the federal government so that all Vietnam Veterans may receive their full entitlement to benefits; and be it further

*Resolved*, That the secretary of state be instructed to forward a copy of this concurrent resolution to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the congressional delegation from New Hampshire.

The clerk read the resolution in full.

Rep. Roberts explained the resolution.

Referred to the Resolutions Committee.

#### HOUSE CONCURRENT RESOLUTION NO. 4

Rep. Milne offered the following:

*Whereas*, the Constitution provides that from the last Wednesday in December in the even-numbered years until the first Wednesday in January in the odd-numbered years there is no General Court in existence, which period covers the dates from December 27, 1972 through January 2, 1973; and

*Whereas*, during said week in order for necessary prepara-



tions to be made for the convening of the 1973 General Court, it was necessary that certain legislative employees and attaches work during that period; and

*Whereas*, because of the non-existence of any General Court in that period no person had the authority to pay such personnel, it is necessary in order to make payment that the 1973 General Court authorize such payments.

*Now Therefore Be It Resolved* by the House, the Senate concurring;

That the responsible officers of the General Court be hereby authorized and directed to pay employees and attaches of the General Court who worked during the period from December 27, 1972 through January 2, 1973 inclusive the amounts they are entitled to for such employment, the total amount of said payments not to exceed \$2500.00, and that said payments be charged against the appropriate line items of legislative appropriation.

The clerk read the resolution in full.

Rep. Milne explained the resolution.

Adopted.

## RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 110 through 120 and Concurrent Resolutions Proposing Constitutional Amendments numbered 9 through 11 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's and CACR's First, second reading & referral

HB 110, relative to tampering with or damaging vessels.  
(Humphrey of Merrimack Dist. 11 — To Judiciary.)

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated under the influence of drugs or recklessly. (Chase of Carroll Dist. 4 — To Judiciary.)

HB 112, reimposing the tax on machinery and road building and like machinery. (Cote of Hillsborough Dist. 28 — To Ways and Means.)

HB 113, relative to taking fresh water smelt by bait dealers. (Scott of Sullivan Dist. 6 — To Fish and Game.)

HB 114, prohibiting persons from seeking or holding the position as a member of the general court and county commissioner at the same time. (Colburn of Hillsborough Dist. 6 — To Statutory Revision.)

HB 115, relative to the notification of certain members of the general court prior to the adoption of any regulations by state agencies. (Williamson of Sullivan Dist. 9 — To Executive Departments and Administration.)

HB 116, making town meeting day a legal holiday. (Chamberlin of Grafton Dist. 2 — To Statutory Revision.)

HB 117, relative to the qualification of municipal planning board members. (Chamberlin of Grafton Dist. 2 — To Municipal and County Government.)

HB 118, relative to counting ballots in the case of nominees of more than one party. (Townsend of Grafton Dist. 14 — To Statutory Revision.)

HB 119, relative to refurbishing old roads and trails and making an appropriation therefor. (Karnis of Hillsborough Dist. 4 — To Public Works.)

HB 120, relative to the maintenance of a certain section of highway in the city of Lebanon. (Townsend of Grafton Dist. 14 — To Public Works.)

CA CR 9, Relating to: Number of Senators and Representatives Required for Proposed Constitutional Amendments. Providing That: The Senate and House of Representatives, Voting Separate May Propose Amendments by a Two-Thirds Vote. (Cote of Hillsborough Dist. 28 — To Constitutional Revision.)

CA CR 10, Relating to: Removing the Deadline Date on Paying Legislative Mileage. Providing that: The First Day of July be Repealed. (Harvell of Hillsborough Dist. 9 — To Constitutional Revision.)

CACR 11, Relating to: Voting Age. Providing that: Eight-

teen Year Olds May Vote. (Harvell of Hillsborough Dist. 9 — To Constitutional Revision.)

### RESOLUTION

Rep. Alice Davis offered the following:

*Resolved*, that no smoking be permitted on the floor of the House.

The clerk read the resolution in full.

Reps. Stevenson, Brungot and Coutermarsh spoke against the resolution.

(discussion)

Reps. Alice Davis and Mabel L. Richardson spoke in favor of the resolution.

Rep. Sara M. Townsend offered an amendment and spoke in favor of the amendment.

### AMENDMENT

Adding at the end thereof the words “for the first two hours of the session.” so that said amendment shall read as follows:

*Resolved*, that no smoking be permitted on the floor of the House for the first two hours of the session.

Rep. Stevenson moved that the resolution and amendment be laid on the table.

A division was requested.

215 members having voted in the affirmative and 129 in the negative, the motion to table prevailed.

### VACATE

Rep. Russell C. Chase moved that the House vacate the reference of HB 18, providing for absentee voting at the annual meetings in the town of Barnstead, to committee on Municipal and County Government, and re-refer said Bill to the committee on Statutory Revision.

Adopted.

## REPORT OF THE JOINT INTERIM SENATE AND HOUSE JUDICIARY COMMITTEE

TO: President of the Senate  
Speaker of the House of Representatives

The Joint Interim Senate and House Judiciary Committee makes the following report regarding the legislation that was assigned for consideration during the interim between the 1971 and 1973 regular sessions:

### HB 105 — Clarifying the Commitment of Juveniles —

This subject matter is being comprehensively considered in a separate interim study being made by the Administrative Committee of the Municipal & District Courts. They have secured a grant from the Governor's Crime Commission allowing them to hire outside staff assistance and are revising the entire Chapter RSA 169, which deals with juveniles and neglected children. Consequently, it was thought best to declare this particular piece of legislation as "inexpedient to legislate."

### HB 218 — Referring the Uniform Controlled Substance Act to the Legislative Study Committee —

The Committee did not have sufficient time or staff to adequately study this proposed piece of legislation. If the sponsors so desire, this Bill should be referred back without action, with a recommendation that the Bill be introduced early in the regular 1973 session.

### HB 379 — Increasing the Penalties for Operating a Motor Vehicle after Revocation or Suspension of License —

"Inexpedient to legislate."

### SB 32 — Recognizing Common Law Marriage after 30 Days Cohabitation for the Purposes of Certain Support Obligations —

"Inexpedient to legislate."

### SB 97, Relative to Conflict of Interest for Certain Public Officials —

The subject matter is being studied by several individuals who have indicated their intention to propose comprehensive legislation during the upcoming session. In view of

the complexity of the matter, it was felt that this particular Bill was inadequate.

The Committee did not have time to completely rewrite it and thought it best to declare it "inexpedient to legislate."

SB 229, To Limit the Holder in Due Course Doctrine in Consumer Credit —

"Ought to pass with amendment."

SB 234, Providing for Consumer Product Warranty Protection —

"Inexpedient to legislate."

SJR 23, Requesting the Legislative Study Committee to Study and Make Recommendations Relative to the Uniform Consumer Credit Code —

The Committee did not have sufficient time or staff to adequately study this proposed piece of legislation. If the sponsors so desire, this Bill should be referred back without action, with a recommendation that the Bill be introduced early in the regular 1973 session.

Respectfully submitted,

David L. Nixon, Chairman  
Senate Judiciary Committee

Kimon S. Zachos, Chairman  
House Judiciary Committee

On motion of Rep. Casassa the House adjourned at 12:21 p.m. to meet tomorrow at 11:00 a.m.

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*Wednesday, 10Jan73*

The House met at 11:00 o'clock.

Prayer was offered by Rev. Emily B. Preston of the Deerfield Community Church.

O Almighty God, who keeps the world from spinning out of orbit when we seem insistent upon letting it go, we thank You for this new day in which to accomplish our work



of governance for the good of New Hampshire's people. We do not presume, in our coming together, to know all the answers, but, rather, trust in You to grasp our minds and hearts that we might seek the truth in the right places.

We have come together, O Lord, from many different towns and counties, each with its own peculiar set of circumstances, good and bad. It is hard not to think first of our own neighbors there as we deliberate, but remind us that we have a greater, common interest: the restoration of dignity to each person in our state through the improvement of all facilities and service within our reach. Our responsibilities are indeed heavy as we ponder these things, for there are very many obstacles to overcome. Keep us, we pray, from selfishness and take us with Your Son towards selflessness, for the good of the whole.

Finally, O God, bind up our own wounds that we might be enabled to do our duty in spite of our fears and tremblings. This we pray, in the name of Your Son Jesus Christ, because we know we must. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Murphy led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Carter, Sullivan and Hough, the day, important business.

Reps. McLane and Lynch, today and tomorrow, important business.

Rep. Casassa, the week, important business.

Rep. G. Winthrop Brown, today and tomorrow, illness.

#### QUALIFIED

Reps. Aram Parnagian, Dover, Strafford County, District 16, F. Albert Sewall and John Twardus, Newmarket, Rockingham County, District 14, Philip R. Currier, Pelham, Hillsborough County, District 15 and Craig D. Smith, Manchester, Hillsborough County, District 27 took and subscribed the oath of office for Representatives to the General Court before the Governor and Council on January 3, 1973.

Rep. John P. H. Chandler, Jr., Warner, Merrimack County, District 3 and Hugh J. Gallen, Littleton, Grafton County, District 1 took and subscribed the oath of office for Representatives to the General Court before the Governor and Council on January 10, 1973.

### COMMITTEE CHANGES

Andersen, Chris K. from State Institutions to Public Health and Welfare

Rich, Wayne S. from Public Health and Welfare to State Institutions

Buckman, Harold V. from Claims, Military and Veterans Affairs

Hood, Robert E. to Claims, Military and Veterans Affairs

### NOTICE

Should any school principal or school teacher in your district ask you about bringing school youngsters for a tour of the State House — and a visit to the Legislature — kindly bring this request to the State House Guide, Hall of Flags, and *he* will assume responsibility for making all arrangements, in your name.

Thanks,

Al Gauthier

State House Guide

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 121 through 140 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 121, relative to exemption from resident tax of mem-

bers of the armed forces. (Deoss of Merrimack Dist. 5 — To Ways and Means.)

HB 122, providing for rules of professional conduct in the practice of engineering. (Sanborn of Rockingham Dist. 9 — To Executive Departments and Administration.)

HB 123, providing for the acquisition of the Kelley Falls dam and water rights. (Zachos of Hillsborough Dist. 25, Lambert of Hillsborough Dist. 36 — To Resources, Recreation and Development.)

HB 124, to reclassify a certain section of highway in the town of Jaffrey. (Forcier of Cheshire Dist. 8 — To Public Works.)

HB 125, relative to propagating or possessing for sale wild turkeys. (Tirrell of Strafford Dist. 4 — To Fish and Game.)

HB 126, relative to the room and meals tax. (Splaine of Rockingham Dist. 19 — To Ways and Means.)

HB 127, relative to importation of living fish, wild birds or wild animals into this state. (Tirrell of Strafford Dist. 4 — To Fish and Game.)

HB 128, enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters. (Tirrell of Strafford Dist. 4 — To Fish and Game.)

HB 129, to reimburse the town of Lincoln for its outstanding share of indebtedness on bonds issued for the cost of its industrial waste treatment plant and to make an appropriation therefor. (Gordon of Merrimack Dist. 7, Curran of Grafton Dist. 1, Clark of Grafton Dist. 5 — To Appropriations.)

HB 130, relative to the rules of the road. (Hamel of Rockingham Dist. 11 — To Transportation and Aeronautics.)

HB 131, relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish. (Maynard of Rockingham Dist. 18 — To Fish and Game.)

HB 132, relative to definition of resident under fish and game laws. (Maynard of Rockingham Dist. 18 — To Fish and Game.)

HB 133, requiring the nomination papers for a candidate

nominated by petition to be filed sixty days prior to the day of election. (Clougherty of Hillsborough Dist. 8 — To Statutory Revision.)

HB 134, relative to fees for fishing and hunting. (Gemmell of Grafton Dist. 10 — To Fish and Game.)

HB 135, relative to including chiropractic services under all public employee health and accident insurance coverage for the state and its political subdivisions. (Andersen of Merrimack Dist. 15 — To Public Health and Welfare.)

HB 136, providing that resident persons who have attained the age of sixty-two shall be admitted at a reduced charge to certain state recreation areas and allowed the use of the facilities therein without charge. (Spaulding of Sullivan Dist. 4 — To Resources, Recreation and Development.)

HB 137, delegating authority to a registered nurse to pronounce the death of a patient in the absence of a physician. (Horan of Hillsborough Dist. 27 — To Public Health and Welfare.)

HB 138, relative to increasing the number of signatures required on a petition to nominate a candidate. (Cote of Hillsborough Dist. 28, Clougherty of Hillsborough Dist. 8 — To Statutory Revision.)

HB 139, relative to the license fee required for oystering or clamming. (Read of Rockingham Dist. 4 — To Fish and Game.)

HB 140, relative to additional requisites for approval of subdivisions by planning boards. (Estabrook of Rockingham Dist. 10 — To Municipal and County Government.)

## RESOLUTION

Rep. Brungot offered the following:

*Resolved* that smoking on the floor of the House be prohibited during the first hour of the session.

Rep. Rich offered an amendment.

The clerk read the amendment in full.

Rep. Rich spoke in favor of the amendment.

Reps. Stevenson and Coutermarsh spoke against the amendment.

(discussion)

Amendment lost.

Resolution adopted.

### RECONSIDERATION

Rep. Coutermarsh moved Reconsideration on the Brungot resolution on smoking.

Motion lost.

### VACATE

Rep. Merrill moved that the House vacate the reference of HB 52, changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center, to the committee on Labor, Human Resources and Rehabilitation and re-refer said Bill to the committee on State Institutions.

Adopted.

On motion of Rep. Bednar the House adjourned at 11:50 a.m. to meet tomorrow at 11:00 a.m.

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## *Thursday, 11 Jan 73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Father Simoneau, Carmelite Monastery, Concord.

**Father**, I have been asked by these men and women to call upon Your name. I stand here before You and them to pray that they who profess to be Christian or God-fearing people will be so as they draft laws which will affect the people of our state. May they use the wisdom of Solomon in writing these laws. Laws not enacted as a reaction to political pressure, or to sensational news stories, or as a result of prejudiced viewpoints.

May this representative body enact laws that will unite our people, young and old, poor and wealthy, black and white; laws

that will express understanding, healing and concern. Laws that will alleviate the suffering of the poor, the aged and the sick of our state.

As we stand here, may we not be like the Pharisee of the gospel boasting to God about himself and how he became a self-made man. Thanking God that he was not like the poor, lazy, good-for-nothing freeloader of a Publican — who, in turn, prayed to God and asked for His mercy.

May it be said that this group of men and women enacted laws that brought about healing and mending in our state to the wounds caused by the Vietnam war. May this body lead our country in enacting laws that will reach out to those who have been imprisoned, or who have left this country in search for peace. May the slogan: "America, love it or leave it," no longer be used just by the super patriot with gun in one hand and flag in the other. May this slogan as well as the state motto: "Live free or die," have its true value in being used by all the citizens of our state. For when the citizen of peace can stand beside the super patriot and when they can listen to each other and respect each other and live beside each other, only then the slogan "America, love it or leave it" will become "America, love it and live free."

#### PLEDGE OF ALLEGIANCE

Rep. Cobleigh led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Charest, the day, illness.

Rep. David T. Sullivan, the day, important business.

#### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 141 through 158 and Concurrent Resolution Proposing Constitutional Amendment number 12 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.



## INTRODUCTION OF HB's &amp; CACR

## First, second reading &amp; referral

HB 141, relative to modification of the business profits tax. (Deoss of Merrimack Dist. 5 — To Ways and Means.)

HB 142, relative to zoning law procedure. (Boucher of Rockingham Dist. 3, Rep. Lyons of Hillsborough Dist. 13 — To Municipal and County Government.)

HB 143, relative to the form of fish and game licenses. (Oleson of Coos Dist. 5 — To Fish and Game.)

HB 144, relative to the inclusion of police employees in the New Hampshire Retirement System. (Martineau of Hillsborough Dist. 35 — To Executive Departments and Administration.)

HB 145, providing for a special hunting license to take certain stocked game birds. (Scott of Sullivan Dist. 6 — To Fish and Game.)

HB 146, relative to the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women. (Haller of Merrimack Dist. 14 — To Education.)

HB 147, relative to the giving or receipt of liquor samples. (Cote of Hillsborough Dist. 28 — To Executive Departments and Administration.)

HB 148, requiring the furnishing of generic as well as brand names by physicians prescribing drugs. (Cote of Hillsborough Dist. 28 — To Public Health and Welfare.)

HB 149, replacing the present three men liquor commission with one commissioner. (Cote of Hillsborough Dist. 28 — To Executive Departments and Administration.)

HB 150, to prohibit the sale of nonalcoholic beverages in nonreturnable glass containers. (Chandler of Merrimack Dist. 3 — To Environmental Quality and Agriculture.)

HB 151, to prohibit the sale of malt beverages in nonreturnable metal, plastic or glass containers. (Chandler of Merrimack Dist. 3 — To Environmental Quality and Agriculture.)

HB 152, to prohibit the sale of nonalcoholic beverages in

nonreturnable metal or plastic containers. (Chandler of Merrimack Dist. 3 — To Environmental Quality and Agriculture.)

HB 153, increasing the term of office of the county treasurers, registers of deeds and the registers of probate. (Hamel of Rockingham Dist. 11 — To Municipal and County Government.)

HB 154, increasing the debt limit for the Gilford school district. (Nighswander of Belmont Dist. 2 — To Education.)

HB 155, relative to penalty for false statements for purpose of procuring fish and game licenses. (Oleson of Coos Dist. 5 — To Judiciary.)

HB 156, to increase the replacement fee for motor vehicle operators licenses and registrations. (Hamel of Rockingham Dist. 11 — To Transportation and Aeronautics.)

HB 157, providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins. (Warren of Grafton Dist. 8 — To Fish and Game.)

HB 158, legalizing the vote authorizing the issuance of certain bonds by the town of Hanover. (Nutt of Grafton Dist. 13 — To Municipal and County Government.)

CA CR 12, Relating to: Jury trial in civil causes. Providing that: The Supreme Court by rule of court shall determine the value in controversy for the right of trial by jury in civil causes. (Harvell of Hillsborough Dist. 9 — To Judiciary.)

## SENATE MESSAGES

### CONCURRENCE

HCR 2, Inviting Chief Justice Kenison to address a Joint Convention on the state of the Judiciary.

HCR 4, To authorize the responsible officers of the General Court to pay employees and attaches who worked from Dec. 27, 1972 to Jan. 2, 1973.

## INTRODUCTION OF SENATE BILL

First, second reading & referral

SB 3, relative to exempting steam locomotives and engines

from the provisions of the air pollution control law. Environmental Quality And Agriculture.

### COMMITTEE CHANGE

Rep. Akerman from Statutory Revision.

### THE SPEAKER'S REPORT TO THE HOUSE

The Speaker noted that an enlarged state population and the public's increasing demand for services, coupled with the ever swelling complexities of modern society and the governing thereof, necessitate some expanded governmental services to the people and, thereby, augmented staff, equipment, and parking space.

Presently existing state facilities are already inadequate to meet the needs of today's New Hampshire government, and the situation is growing progressively worse.

For example, the House has lost eight committee rooms since the Special Session of spring, 1972, not to mention the Senate's committee needs, due to expansion of state agencies and needed renovations. This situation seemed so desperate that the House ad hoc Committee on Space, chaired by L. Waldo Bigelow, Jr., was considering renting rooms in the Highway Hotel or the Bow Municipal Building and renting buses to transport committee members. The Space Committee also considered using two rooms in the old Concord Post Office, but the condition was found too deplorable to be feasible. The fourth alternative was to rent portable school houses for the Post Office lawn, but even these would cost from \$18,000 to \$20,000.

Instead, some of these committees were squeezed into rooms far too small for hearings which the public have the right to attend. In addition, four committees share two rooms, and three committees have to meet outside the State House.

In addition to these inconveniences, the committees have no staff with the exception of House Appropriations and Senate Finance. On the surface this may seem like a minor problem, as they've always managed to survive. But with bills multiplying in both quantity and complexity to meet the increasing demands of an ever more complex society, committee work is be-

coming far more demanding than even a few years back. It seems a waste of committee members' time and energies to have to double as secretaries and file clerks, when with a minimal staff they could be devoting all their time to the necessary research and investigation of important issues. Inefficiency costs money.

Every time the General Court meets, there is a big shuffle in rooms and equipment. For instance, there are only enough decent chairs for two committees, and the race is on to obtain them, for a good deal of time is spent in committee chairs. This leads to a dog eat dog situation and unnecessary conflicts and hostilities.

Added to all these problems is the expense of moving everything around every two years — an expenditure of time, confusion, and losses as well as of dollars. In addition, the cost of rental for government facilities in Concord alone is over one-half million dollars, not including expenses for heat, electricity, janitorial services, etc.

The Speaker wishes to call these conditions to the attention of the Legislature so that they may be aware of the problem and considering possible alternative solutions. Although he has some ideas of his own regarding solutions, and will suggest some solutions, he is open to suggestions and would prefer, ultimately, to let the Legislative body determine the solutions most agreeable to them.

The problem has been brought out in the open, and it is now incumbent upon the Legislature to determine whether they want to be co-equal with the Executive and Judicial branches or operate under the above conditions.

(discussion)

Rep. Vachon moved that the Speaker's report be printed in the Journal.

Adopted.

## COMMITTEE REPORTS

### HCR 1

that no draftee in the armed forces of the United States, against his will, shall be sent beyond the continental limits of the United States, except in a war specifically declared by an act of the Congress of the United States. Rep. Milne for Committee on Resolutions.

Referred to Claims, Military and Veterans Affairs.

The clerk read the resolution in full.

Adopted.

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### HCR 3

memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war. Rep. Milne for Committee on Resolutions.

Referred to Claims, Military and Veterans Affairs.

The clerk read the resolution in full.

Adopted.

On motion of Rep. Ainley the House adjourned at 12:11 p.m. to meet Tuesday next at 11:00 a.m.

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## *Tuesday, 16Jan73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Timothy J. Wildman, Bow Mills and Contoocook United Methodist Churches.

Dear Heavenly Father, we pray to You so often — asking for Your help, praising Your goodness, honoring Your magnificence, and seeking guidance. We know that the deepest levels of humanness which lie within us are from Your hand, and for this we are thankful. At the same time in the daily course of things, we trample upon that humanity through callousness to the needs of those around us, and we ignore Your divinity by telling ourselves that what we do in this world has no real consequence beyond the immediate acts themselves.



This day give us the courage to perceive another's pain, the openness to share another's joy, and the honesty to see the value in an opponent's point of view.

Sometimes, dear Father, when we get confused or frightened we begin to handle life's problems and one another by "getting tough", and this is only natural. But most of all today we pray that at least once, if only for a brief moment, we might "get human" in order that we might see the beauty of this planet and the dignity and uniqueness of our fellow inhabitants. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Akerman led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Drake, Cary, Zechel and Close, the day, important business.

Reps. Greene and Duprey, the day, illness.

Rep. Geiger, the week, illness.

Rep. Hager, the week, death in the family.

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 1, 159 through 205 and House Joint Resolutions numbered 4 through 6 and Concurrent Resolutions Proposing Constitutional Amendments numbered 13 through 16 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's, HJR's & CACR's

First, second reading and referral

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superin-



tendent for professional services of the New Hampshire Hospital. (Stevenson of Grafton Dist. 3; Merrill of Grafton Dist. 14; Lawton of Belknap Dist. 1; Cote of Hillsborough Dist. 28 — To Joint Committee of Executive Departments and Administration and State Institutions.)

HB 159, providing exemptions from the income tax on interest and dividends. (Howard of Merrimack Dist. 20 — To Ways and Means.)

HB 160, increasing the lending limit of trust companies on real estate mortgages in New England. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 161, legalizing the annual town meeting of the town of Warren. (Anderson of Grafton Dist. 7 — To Municipal and County Government.)

HB 162, providing for state ambulance service instructors; abolishing fees for volunteer non-profit ambulance units; and making an appropriation therefor. (Erler of Rockingham Dist. 8 — To Labor, Human Resources and Rehabilitation.)

HB 163, relative to the compensation to be paid members of the Coos, Rockingham, Merrimack, and Grafton county convention. (Hammond of Rockingham Dist. 17, Fortier of Coos Dist. 6 — To Municipal and County Government.)

HB 164, making an additional appropriation for school building aid. (Drake of Coos Dist. 3 — To Appropriations.)

HB 165, relative to granting of licenses for hawkers and peddlers. (French of Belknap Dist. 1 — To Statutory Revision.)

HB 166, repealing the law prohibiting adultery. (Jones of Grafton Dist. 8 — To Judiciary.)

HB 167, mandatory suspension of operators licenses by the courts for motor vehicle violations on failure to pay fine. (Soule of Rockingham Dist. 3, Thibeault of Rockingham Dist. 3 — To Judiciary.)

HB 168, relative to the use of campsites in state parks by residents. (Palfrey of Rockingham Dist. 18 — To Resources, Recreation and Development.)

HB 169, relative to certain procedures for issuing bonds on

notes in excess of one hundred thousand dollars. (Nutt of Grafton Dist. 13 — To Municipal and County Government.)

HB 170, relative to overtaking and passing upon the right of another vehicle. (Daniels of Hillsborough Dist. 25 — To Transportation and Aeronautics.)

HB 171, increasing the maximum pension allowed for certain firemen, police officers and constables. (Boucher of Merrimack Dist. 6 — To Municipal and County Government.)

HB 172, relative to the filing of requests for drafting with the office of legislative services. (Hanson of Merrimack Dist. 5 — To Legislative Administration.)

HB 173, providing for decedents' estates reimbursing the county for medical referees' expenses when services are utilized in accidental or violent deaths. (Hammond of Rockingham Dist. 17 — To Judiciary.)

HB 174, relative to the taxation of capital gains under the business profits tax. (Saggiotes of Sullivan Dist. 6 — To Ways and Means.)

HB 175, permitting persons eighteen years of age or over to purchase sweepstakes tickets. (Noble of Merrimack Dist. 21 — To Ways and Means.)

HB 176, providing for the repeal of the meals and rooms tax. (Horan of Hillsborough Dist. 27 — To Ways and Means.)

HB 177, relative to an owner's responsibility to report an accident. (Horan of Hillsborough Dist. 27 — To Transportation and Aeronautics.)

HB 178, relative to the amount of fees to be collected by the register of deeds for Rockingham county. (Hammond of Rockingham Dist. 17 — To Municipal and County Government.)

HB 179, providing that fees for services of register of deeds in collection of real estate transfer tax be paid to county treasurer. (Hammond of Rockingham Dist. 17 — To Municipal and County Government.)

HB 180, providing for the appointment of a superintendent of the house of correction and jail of Merrimack county. (Bigelow of Merrimack Dist. 3 — To Special Committee on Merrimack County Delegation.)

HB 181, providing for compulsory school attendance to fourteen years of age. (Horan of Hillsborough Dist. 27 — To Education.)

HB 182, providing for the perambulation of the New Hampshire-Massachusetts boundary line and funding the perambulation of the New Hampshire-Maine boundary line and making appropriations therefor. (Cummings of Rockingham Dist. 7 — To Executive Departments and Administration.)

HB 183, to provide right of way for highway purposes through New Hampshire Hospital land. (Davis of Merrimack Dist. 15 — To Public Works.)

HB 184, relative to the definition of "beverage", as used in title XIII. (Cote of Hillsborough Dist. 28, Splaine of Rockingham Dist. 19 — To Liquor Laws.)

HB 185, relative to the charter of the town of Hanover. (Nutt of Grafton Dist. 13, Bradley of Grafton Dist. 13 — To Special Committee on Hanover Delegation.)

HB 186, relative to speed limits for certain heavy vehicles on limited access highways. (Daniels of Hillsborough Dist. 25 — To Transportation and Aeronautics.)

HB 187, repealing the statutes relative to travel allowance for officers and employees of the general court. (Bigelow of Merrimack Dist. 3 — To Statutory Revision.)

HB 188, relative to the mode of taking deer east of interstate 95. (Parr of Rockingham Dist. 12 — To Fish and Game.)

HB 189, relative to the mode of hunting deer in certain areas of New Hampshire. (Parr of Rockingham Dist. 12 — To Fish and Game.)

HB 190, relative to the petition for proportionate refund of an operator's license fee. (Noble of Merrimack Dist. 21 — To Transportation and Aeronautics.)

HB 191, to require the state and its political subdivisions to obtain liability insurance. (Merrill of Grafton Dist. 14 — To Banks and Insurance.)

HB 192, relative to the definition of civil defense and the civil defense executive council. (Gemmell of Grafton Dist. 10 — To Statutory Revision.)

HB 193, requiring open vehicles to be covered when carrying particulate material. (Casassa of Rockingham Dist. 12, Murray of Belknap Dist. 9, Maguire of Belknap Dist. 9 — To Public Health and Welfare.)

HB 194, authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate. (Nutt of Grafton Dist. 13 — To Municipal and County Government.)

HB 195, relative to semi-annual collection of taxes in cities and towns. (Nutt of Grafton Dist. 13 — To Ways and Means.)

HB 196, relative to educational requirements for a chiropractor's license. (Andersen of Merrimack Dist. 15 — To Transportation and Aeronautics.)

HB 197, to prohibit the use of so-called walkie-talkie equipment in the taking of game. (Davis of Carroll Dist. 2 — To Fish and Game.)

HB 198, relative to camp fires or outdoor cooking and providing for written permission of same. (Kidder of Coos Dist. 5 — To Resources, Recreation and Development.)

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover. (Kidder of Coos Dist. 5 — To Transportation and Aeronautics.)

HB 200, relative to right of entry upon any lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same. (Kidder of Coos Dist. 5 — To Environmental Quality and Agriculture.)

HB 201, changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge. (Daniels of Hillsborough Dist. 25 — To Public Works.)

HB 202, outlining procedures for search and rescue operations. (Chamberlin of Grafton Dist. 2 — To Fish and Game.)

HB 203, relative to optional election of planning board members in towns. (Bradley of Grafton Dist. 5 — To Municipal and County Government.)

HB 204, establishing a New Hampshire fruit and wine

marketing committee. (Greene of Rockingham Dist. 17 — To Executive Departments and Administration.)

HB 205, relative to voter registration by town and city clerks. (Perkins of Hillsborough Dist. 8, Townsend of Sullivan Dist. 1, Tucker of Sullivan Dist. 4, Lemay of Rockingham Dist. 5 — To Statutory Revision.)

HJR 4, providing an appropriation for Old Fort Number Four. (Frizzell of Sullivan Dist. 7 — To Appropriations.)

HJR 5, making an appropriation for the purchase and installation of an electronic roll call system for the house of representatives. (Murray of Hillsborough Dist. 3, Barka of Rockingham Dist. 4 — To Appropriations.)

HJR 6, designating United States route no. 3 and interstate 89 as part of the Blue Star Memorial highway system. (Parr of Rockingham Dist. 12 — To Public Works.)

CACR 13, relating to: The Highway Fund. Providing that: Certain Revenue shall not be Restricted to Highways. (Haller of Merrimack Dist. 14 — To Constitutional Revision.)

CACR 14, relating to: The Term of the General Court. Providing that: Each General Court shall Dissolve and be Dissolved at 12:01 A.M. on the Said First Wednesday of January Biennially. (Hamel of Rockingham Dist. 11 — To Constitutional Revision.)

CACR 15, relating to: A natural right of man. Providing that: Each man has a natural right to refuse to fight in war. (Horan of Hillsborough Dist. 27 — To Constitutional Revision.)

CACR 16, relating to: When the General Court is to Meet. Providing that: The General Court Shall Meet Annually for Not More Than Forty-Five Days in Any Year. (Boisvert of Hillsborough Dist. 22 — To Constitutional Revision.)

## HOUSE RESOLUTION 1

Reps. Milne, Noble and Vachon offered the following:

*Whereas*, There are limited parking places available in the city of Concord; and

*Whereas*, The only parking places available for members



of the New Hampshire House of Representatives are on public streets adjacent to the State House;

*Now Therefore Be It Resolved* by the House of Representatives:

That the Commissioner of Public Works and Highways is hereby requested, authorized, and directed to grade, construct, and maintain as a parking lot for the use of the members of the House of Representatives that portion of parcel number 9 bounded by North Main, Centre, and Montgomery Streets in Concord, which has been made available for said purposes in accordance with an agreement between the state and Concord Urban Development Authority.

The clerk read the resolution in full.

Rep. Milne explained the resolution.

Rep. Vachon spoke in favor of the resolution.

Adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 5

Rep. Nelson offered the following:

*Whereas*, The Manchester Transit Company, has for years, under city and private ownership, operated its Garbage Gushing Gargantuans with total disregard for the health and safety of all citizens within sight and smell of their vehicles;

*Whereas*, The exhaust emissions of said Pollution Pumping Perambulators are in obvious and flagrant violation of even the most minimum standards of clean air regulations;

*Now Therefore Be It Resolved* by the House of Representatives, the Senate Concurring;

That the New Hampshire Air Pollution Control Commission direct the Manchester Transit Company to take remedial action forthwith to insure compliance with New Hampshire Air Pollution Control Standards, as they relate to motor vehicle exhaust emissions.

The clerk read the resolution in full.

Referred to Resolutions Committee.



## RULING OF THE SPEAKER

## Information:

Tuesday, January 9. A motion was offered to prohibit smoking in the legislative hall. An amendment was offered to prohibit smoking for the first two hours at the session in legislative hall. A motion carried to table both the motion and the proposed amendment.

Wednesday, January 10. A motion was introduced to prohibit smoking in legislative hall while the members are required to be in their seats. This motion failed. Reconsideration was moved by someone voting with the prevailing side and was defeated.

## The question:

How broad, or narrow a ruling can and should be made with respect to the subject matter (smoking in legislative chambers) and with the motion (s) entered on January 9 and 10?

Section 456 of Mason's, page 309, rules out the use of a motion of reconsideration on procedural motions such as a move to table. The prime reason is that an item tabled can be taken from the table at any time by a majority vote of the body. Secondly, a motion for reconsideration is a very narrow motion intended only to prevent the precise question (exact wording) from appearing again before the body. Thirdly, properly handled, a motion that is tabled should appear daily in the calendar until it is removed from the table; this would daily point out that we have not terminated judgment on that particular subject matter. If the chair were to dispense with the subject matter for the remainder of the session, the most expedient method would be as follows:

1. Remove from the table the proposed amendment of January 9, and indefinitely postpone.
2. Remove from the table the original motion of January 9, and indefinitely postpone.

This leaves us with the resolution of Rep. Brungot having passed on January 10, Rep. Rich's motion cannot be raised again. Any other action can be raised again.

## RESOLUTION

Rep. Alice Davis offered the following:

that the legislative lounge be reserved for non-smokers.

The clerk read the resolution in full.

Rep. Davis spoke in favor of the resolution.

(discussion)

Rep. Tilton moved that the resolution be indefinitely postponed and spoke in favor of the motion.

Adopted.

## VACATE

Rep. Harvell moved that the House vacate the reference of CACR 12, Relating to: Jury trial in civil causes. Providing that: The Supreme Court by rule of court shall determine the value in controversy for the right of trial by jury in civil causes to the committee on Judiciary and re-refer said CACR 12 to the committee on Constitutional Revision.

Adopted.

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Rep. George B. Roberts, Jr. explained rules procedure.

(discussion)

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Report of Committee to Review Recommendations of  
Citizens Conference on State Legislatures

During 1972 an interim committee was established to review the recommendations made by the Citizens Conference on State Legislatures as they related to the New Hampshire General Court. These recommendations were published in the book "Sometime Governments."

All candidates for position of Speaker of the House and President of the Senate were invited to make two appointments to this interim committee.

The interim committee studied 32 recommendations for changes in the New Hampshire Legislature that were suggested and this report is a result of those areas of agreement within the committee as to those recommendations which would be most feasible for implementation and those possible at this time. The committee did vote unanimously to issue this report of their actions on each of the following recommendations:

1. That all standing committees and interim committees receive the same legislative mileage and expense allowance. (The trend of making the regular session committee the interim committee is encouraged but would not preclude other interim committees to be established by the House or Senate.)

2. That the question of Annual Sessions should be resubmitted to the voters.

3. That the Legislature have the power to convene itself into special session upon the call of 55% of the members of the General Court.

4. That the office of the Clerk should notify all members of the news media in the state of New Hampshire (daily and weekly papers, radio, TV) that all notices of hearings, House and Senate bills, Journal and Legislative calendar are available from the Sgt-of-Arms upon request.

5. That the committee recommends a minimum of five legislative day's notice be required for legislative hearings.

6. That each legislator be provided with a locker or similar storage space using existing space in the State House basement.

7. That more adequate legislative facilities are desirable and necessary, and that rooms for public hearings be suitable to accommodate the public.

8. That improved facilities for the media be provided so that all members have access to newspaper, radio and television media.

9. That an electronic roll call recorder be installed within the limits of available financial resources.

10. That a consent calendar is desirable to expedite the business of the House. The consent calendar should provide that one member's objection is sufficient to remove any item from said calendar.

Members of the committee include: Rep. John B. Tucker, Chairman, Sen. Frederick Porter, Rep. Shirley K. Merrill, Rep. Maurice W. Read, Rep. Elizabeth S. Hager, Rep. Richard L. Bradley, Rep. T. Anne Webster, Sen. Paul Provost, Sen. Robert Bossie, Rep. Gloria Belzil, Rep. George Brummer and Rep. John Menge.

A record of the action taken on each of the 32 recommendations follow.

Rep. John B. Tucker, Chairman  
Committee to Review Recommendations of  
Citizens Conference on State Legislators

1. Reduce the size of the House.

We recommend that the House be left at its present size and that we make no recommendation as to the size of the Senate.

2. Increase Legislative salaries.

All Standing Committees and Interim Committees should receive the same legislative mileage and expense allowance.

3. Remove Constitutional restrictions on length of session (i.e. annual sessions) .

We recommend that since nearly two-thirds of the people favored this question in the recent election and over-two thirds favored annual sessions in the previous election, the question should be resubmitted to the voters.

4. The Constitution should be amended so that 51% of the elected members could call the legislature into special session.

A vote of 55% of the members of the General Court should be necessary for Special Session.

5. The Constitution should be amended to provide a pre-session organization meeting.

We recommend that the present practice of the Legislature seems sufficient.

6. The Legislature should hold an orientation conference for new Legislators.

We recommend that the present practice of the Legislature is sufficient.

7. Reduce the number of committees in the House.

We recommend this would not be practical with the present size of the House.

8. There should be uniform, published rules of committee procedure in both chambers.

The present practice of the Legislature is sufficient.

9. This recommendation was passed over.

10. Open Committees.

This recommendation is not necessary because the "right to know law" is now in effect for the Legislature.

11. Notice of meetings.

The rules should require a minimum notice of five legislative days for committee meetings and hearings, with widely disseminated announcement of schedule, location, agenda, and availability of public participation.

We recommend that the Office of the Clerk should notify all media of the state (daily, weekly newspapers, and radio/TV) that all notice of hearings are available from the Sgt-of-Arms.

12. Committee bill reports.

We recommend that the present practice of the Legislature is sufficient.

13. Publish Committee roll calls.

We recommend that present practice is sufficient.

14-20. The committee took no action on recommendations fourteen through twenty.

21. Individual offices.

We recommend that each legislator be provided with a locker or similar storage space.

22. Facilities for committees:

We recommend that more adequate facilities, particularly large hearing rooms, are desirable. Additional space would have to be secured.

23. Improve press facilities.

We would recommend radio jacks into present PA system for voice pickups. This could be handled from a restricted area in the gallery designed for TV and radio. TV and radio recording locations are desirable.

24. Electric roll-call recorder for the House.



We recommend that the House obtain an electric roll-call recorder if finances permit.

25. Strengthen the regulation of Legislator conflicts of interest.

The committee took no action on this recommendation since legislation is pending.

26. Provide single-member districts.

The committee is opposed to single-member districts because of the size of the House.

27. Statement of intent by author of a bill.

The committee recommends that a statement of intent is not needed. The present practice is sufficient.

28. Bill summary by drafting service.

The present practice is sufficient. Committees do handle this responsibility when reporting bills.

29. Require roll-call on passage of bills.

We recommend that the House not require roll-call on passage of bills.

30. Adopt back-up rules of procedure in both houses.

We recommend that the present practice is sufficient. The determination of rules is the Speaker's prerogative.

31. Consent Calendar.

We recommend that a consent calendar is desirable only if one member is all that is required to remove a bill from House consideration after sufficient notification to House relative to make up of calendar.

32. Reprint amended bills.

We recommend that printing the complete amendment in the Journal is sufficient.

## NOTICE

The Speaker announced that Rep. Ralph Wilson is celebrating his 75th birthday today.



On motion of Rep. Frizzell the House adjourned at 11:58 a.m. to meet tomorrow at 11:00 a.m.

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### *Wednesday, 17Jan73*

The House met at 11:00 o'clock.

Prayer was offered by Delbert L. Wise, Pastor of the Church of the Nazarene, Concord.

**Our Heavenly Father**, we praise Thee for the privilege of looking to Thee this morning. We would pray Thee to guide us in all of our deliberations of this day. We are aware of all of our failures and shortcomings but we pray Thee to help us to do our best this day.

We would pause this day to pray for peace in the war-torn areas of our world, and bless all peace negotiations.

Give to each of us wisdom that comes only from Thee. May everything that is done this day be done for the good of all mankind and for Thy glory.

In Thy precious name we would pray. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Esther M. Davis led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Aubut, Anthony Stevens, Bernier, Slicer and Lefebvre, the day, important business.

Reps. Margaret S. Lemay and Griffin, today and tomorrow, illness.

#### RESOLUTION

Rep. Esther M. Davis offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 206 through 213 shall be by this resolution read a first and second time by the therein listed

titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading & referral

HB 206, abolishing the resident tax. (Splaine of Rockingham Dist. 19 — To Ways and Means.)

HB 207, providing annual salaries for members of the county convention; membership of state senators; abolishing legislative mileage; and providing for regular mileage paid state employees. (Merrill of Grafton Dist. 14 — To Municipal and County Government.)

HB 208, relative to classification of highways, highway aid apportionment and highway regulation. (Parker of Merrimack Dist. 4 — To Public Works.)

HB 209, providing for compensation to landowners for managing game birds and animals on their land. (Chamberlin of Grafton Dist. 2 — To Fish and Game.)

HB 210, relative to exempting steam locomotives and engines from the provisions of the air pollution control law. (Chandler of Merrimack Dist. 3, Richardson of Coos Dist. 11 — To Environmental Quality and Agriculture.)

HB 211, relative to the reporting of injury to any domestic animal by the operator of a motor vehicle. (Sabbow of Belknap Dist. 8 — To Transportation and Aeronautics.)

HB 212, relative to time of sessions for correction of checklist. (Gordon of Merrimack Dist. 7 — To Statutory Revision.)

HB 213, allowing Manchester to start its decennial verification of its checklist on February 1. (Zachos of Hillsborough Dist. 25; Vachon of Hillsborough Dist. 33; Spirou of Hillsborough Dist. 27; Gelinas of Hillsborough Dist. 31 — To Special Committee: Manchester Delegation.)

## COMMITTEE ASSIGNMENT CHANGES

Rep. Beckett from Ways and Means to Constitutional Revision  
Rep. Galloway from Constitutional Revision to Ways and Means

Rep. Craig D. Smith from State Institutions to Banks and Insurance

Rep. Valliere from Labor, Human Resources and Rehabilitation

## NOTICE

There will be a consent calendar on Wednesday, January 24.

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On motion of Rep. Stevenson, the House adjourned at 11:08 a.m. to meet tomorrow at 11:00 a.m.

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*Thursday, 18Jan73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Arlington E. Wry, Park Street Baptist Church, Pittsfield.

**O God, Our Heavenly Father**, who art revealed to us in the tender light of the dawn, and the shadowy mystery of the night, we bow before Thee with reverent and grateful hearts.

Increase, we pray Thee, our awareness of the changing pattern of all life; that we may be sensitive to the needs of others.

We know, O Father, that love is best, that vision and goodwill alone can build; we know that we can be safe only when all are safe; that our permanent outward security rests on the inner security of all mankind; we have come to know that when love fails, hate is loosed and becomes doubly powerful.

Enlarge our sympathies and help to respond to all human anguish and all human need. May we never forget those everywhere to whom life seems a bitter battle.

May we seek from Thee, wisdom, vision and integrity in all this day's actions and deliberations. In Christ's name we pray. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Canney led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Parnagian, Duprey, Nelson, Lefebvre and Bernard, the day, illness.

Rep. Scranton, the day, death in the family.

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 214 through 233 and House Joint Resolutions numbered 7 and 8 and Concurrent Resolutions Proposing Constitutional Amendments numbered 17 and 18 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's, HJR's and CACR's

First, second reading & referral

HB 214, relative to the president of the New Hampshire Woman's Relief Corps serving in place of the commander of the United Spanish War Veterans on the board of managers of the New Hampshire Soldiers Home. (Tarr of Merrimack Dist. 17 — To State Institutions.)

HB 215, to require an instruction to the jury in a workmen's compensation case if an insurance carrier has a lien on any damages awarded. (Merrill of Grafton Dist. 14 — To Judiciary.)

HB 216, relative to the examination, certification and regulation of arborists. (Heald of Hillsborough Dist. 5 — To Executive Departments and Administration.)

HB 217, relative to removal of junked vehicles along federal-aid highways. (Hackler of Cheshire Dist. 5 — To Public Works.)

HB 218, permitting the sale of sweepstakes tickets in any public building in which town, city, county or state personnel are employed and authorizing incentive cash awards to ticket sellers. (Noble of Merrimack Dist. 21 — To Ways and Means.)

HB 219, relative to preparation of budget for University of New Hampshire. (Gordon of Merrimack Dist. 7 — To Education.)

HB 220, relative to the duties of the Merrimack county treasurer. (Noble of Merrimack Dist. 21 — To Special Committee on Merrimack County Delegation.)

HB 221, providing for public utilities commission reports to be published biannually. (Cote of Hillsborough Dist. 28 — To Public Works.)

HB 222, requiring druggist to post a list of prescription drug prices. (Cote of Hillsborough Dist. 28 — To Public Health and Welfare.)

HB 223 prohibiting the assessment of a mileage charge on telephone subscribers. (Erler of Rockingham Dist. 8 — To Public Works.)

HB 224, to reclassify a certain section of highway in the town of Orange. (Gemmell of Grafton Dist. 10 — To Public Works.)

HB 225, relative to permitting a registered nurse in nursing homes to authorize attendants to administer oral medications under supervision. (Horan of Hillsborough Dist. 27 — To Public Health and Welfare.)

HB 226, relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways. (Bigelow of Merrimack Dist. 3 — To Public Works.)

HB 227, relative to free admission to Bear Brook State Park for residents of Allenstown. (Plourde of Merrimack Dist. 7 — To Resources, Recreation and Development.)

HB 228, relative to requirements for renewal of chiropractor's license. (Andersen of Merrimack Dist. 15 — To Public Health and Welfare.)

HB 229, allowing chiropractors to participate in medical service corporations. (Andersen of Merrimack Dist. 15 — To Public Health and Welfare.)

HB 230, requiring that the mayor of the City of Nashua be elected by majority vote and providing for a run-off election relative to the same. (Boisvert of Hillsborough Dist. 22, Ethier of Hillsborough Dist. 16, Rock of Hillsborough Dist. 16 — To Special Committee on Nashua Delegation.)

HB 231, relative to amount of revenue from business profits tax returned to towns and cities. (Cote of Hillsborough Dist. 28 — To Ways and Means.)

HB 232, relative to changing the type of notice required to one who has failed to reregister as an eligible voter. (Knight of Hillsborough Dist. 8 — To Statutory Revision.)

HB 233, relative to the amount of fees to be charged by the registers of deeds. (Hammond of Rockingham Dist. 17 — To Municipal and County Government.)

HJR 7, in favor of George T. Ellis of Concord. (Noble of Merrimack Dist. 21 — To Committee on Claims, Military and Veterans Affairs.)

HJR 8, appropriating funds to the Water Resources Board for an erosion control project in Charlestown. (Frizzell of Sullivan Dist. 7 — To Resources, Recreation and Development.)

CACR 17, Relating to: The Composition and Compensation of the Members of the General Court. Providing that: The Senate shall be composed of thirty members, the House of Representatives shall be composed of one hundred and twenty members, and that the compensation paid the members of the General Court be increased. (Deoss of Merrimack Dist. 5 — To Constitutional Revision.)

CACR 18, Relating to: Qualification as to age in holding office. Providing that: No person under twenty-one years of age may hold any elective office. (Boisvert of Hillsborough Dist. 22 — To Constitutional Revision.)



## COMMITTEE CHANGES

Gemmill, John K. from Constitutional Revision

Humphrey, James A. from Fish and Game to Constitutional Revision

Griffin, Ruth L. to Fish and Game

Conley, Raymond K., Jr. from Public Health and Welfare to Statutory Revision

Maynard, Ralph C. from Labor and Human Resources

Davis, Esther M. from Public Works to Appropriations

Gallen, Hugh J. to Executive Departments and Administration

Richardson Harriett, W. B. to Liquor Laws

## SUSPENSION OF RULES

On motion of Rep. Nighswander the rules of the House were so far suspended as to permit the introduction of a committee report not previously advertised in the calendar on HB 154, increasing the debt limit for the Gilford School district.

Rep. Lockhart spoke in favor of the motion.

Adopted.

## SUSPENSION OF RULES

Rep. Nighswander moved that the rules of the House be so far suspended as to place HB 154, increasing the debt limit for the Gilford School district, on third reading and final passage by title only at the present time.

Reps. Gerry F. Parker and Horan spoke against the motion.

Reps. Lockhart and George B. Roberts, Jr. spoke in favor of the motion.

(discussion)

Rep. Nighswander withdrew her motion.

## COMMITTEE REPORTS

**HB 154**

increasing the debt limit for the Gilford School district. Ought to pass. Rep. Lockhart for Education.

(discussion)

Reps. Lockhart and Boucher spoke in favor of the bill.

Rep. Horan spoke against the bill.

Ordered to third reading.

Rep. DeCesare wishes to be recorded as opposed to HB 154.

**HB 16**

relative to suspension of students in the university and state college system in possession of a controlled drug. Inexpedient to legislate. Rep. Rock for Education.

Resolution adopted.

**HB 17**

relative to the suspension of pupils from public schools for possession of alcoholic beverages or controlled drugs. Inexpedient to legislate. Rep. Rock for Education.

The committee on Education feels that the intent of the sponsor is praiseworthy but the questions raised in public hearing on January 16th relative to the constitutional rights, legal ramifications and enforcement difficulties led to the decision of reporting these bills "Inexpedient to Legislate."

Resolution adopted.

**HB 25**

prohibiting the sale of real estate by the trustees of the New Hampshire College of Agriculture and Mechanic Arts, the University of New Hampshire and all its divisions and departments without prior legislative approval. Inexpedient to legislate. Rep. Rock for Education.

Rep. Gordon moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Lockhart and Joseph L. Cote spoke against the motion.

(discussion)

Rep. Gordon withdrew his motion.

Rep. Gordon moved that HB 25 be recommitted to the committee on Education and spoke in favor of the motion.

Reps. French, Spirou and Zachos spoke against the motion.

Reps. T. Anne Webster and Gorman spoke in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

172 members having voted in the affirmative and 147 in the negative, the motion to recommit prevailed.

### **HB 33**

requiring meat slaughterhouses to pay the cost of inspections conducted outside of regular business hours. Ought to pass with amendment. Rep. Roderick H. O'Connor for Executive Departments and Administration.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### **AN ACT**

requiring meat slaughterhouses and processing plants to pay the cost of inspections conducted outside of regular business hours.

The clerk read the amendment in full.

Amendment adopted.

Referred to Appropriations.

### **HB 5**

establishing a municipal court in the town of Ashland. Inexpedient to legislate. Rep. Spirou for Judiciary.

Adopted.

### **VACATES**

Rep. Murray moved that the House vacate the reference of HJR 5, making an appropriation for the purchase and installation of an electronic roll call system for the house of representatives, to the committee on Appropriations and re-refer said House Joint Resolution to the committee on Public Works.

Adopted.

Rep. Chris K. Andersen moved that the House vacate the reference of HB 196, relative to educational requirements for a chiropractor's license, to the committee on Transportation and Aeronautics and re-refer said bill to the committee on Public Health and Welfare.

Adopted.

Rep. Greene moved that the House vacate the reference of HB 204, establishing a N. H. fruit and wine marketing committee, to the committee on Executive Departments and Administration and re-refer said Bill to the committee on Environment and Agriculture.

Adopted.

Rep. Chris K. Andersen moved that the House vacate the reference of HB 193, requiring open vehicles to be covered when carrying particulate material, to the committee on Public Health and Welfare and re-refer said Bill to the committee on Transportation and Aeronautics.

Adopted.

Rep. Drake moved that the House vacate the reference of HB 129, to reimburse the town of Lincoln for its outstanding share of indebtedness on bonds issued for the cost of its industrial waste treatment plant and to make appropriation therefor, to the committee on Appropriations and re-refer said Bill to the committee on Resources, Recreation and Development.

Adopted.

Rep. Greene moved that the House vacate the reference of HB 75, providing for stricter mandatory fines under litter control law, to the committee on Judiciary and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

Rep. Arthur F. Mann moved that the House vacate the reference of HB 221, an act providing for public utilities commission reports to be published biannually, to the committee on Public Works and re-refer said bill to the committee on Executive Departments and Administration.

Adopted.

## RESOLUTION

Reps. George B. Roberts, Jr. and Spirou offered the following:

*Resolved*, that the Rules of the House may be amended by a majority vote on January 23, 1973.

Rep. Roberts explained the resolution.

Rep. Spirou spoke in favor of the resolution.

Adopted.

## RESOLUTION

Reps. George B. Roberts, Jr. and Spirou offered the following:

Amend the first paragraph of House Rule 32 so that it shall read as follows:

32. The following standing policy committees to consist of not more than twenty-three members each, shall be appointed at the commencement of any session: Committees on Appropriations; Banks and Insurance; Claims, Military and Veterans Affairs; Constitutional Revision; Education; Environmental Quality and Agriculture; Executive Departments and Administration; Fish and Game; Judiciary; Labor, Human Resources and Rehabilitation; Legislative Administration, to include subcommittees on Journal, Elections, Mileage, and House Resolutions and Screening; Municipal and County Government; Public Health and Welfare; Public Works; Resources, Recreation and Development; State Institutions; Statutory Revision; Transportation and Aeronautics; and Ways and Means.

The committee on Liquor Laws to consist of not more than twenty-four members and shall be appointed at the commencement of any session.

The clerk read the resolution in full.

Rep. Roberts explained the resolution.

Rep. Spirou spoke in favor of the resolution.

Adopted.

## RESOLUTIONS

Reps. Richard L. and David J. Bradley and Elmer L. Johnson offered the following:

*Whereas*, the members of the New Hampshire Legislature are free individuals, elected by the voters of New Hampshire to come here and make our own decisions without undue pressure from anyone, and

*Whereas*, the very thought of being “whipped,” either literally or figuratively speaking, is, in this day and age, repugnant to free people and to the very concept of freedom, and

*Whereas*, the positions of party whip have, in recent legislative sessions, proven to be very lowly and ineffective positions, in fact not amounting to as much as the proverbial snowball in —August, therefore be it

*Resolved*, that the positions of party whip be abolished from the New Hampshire legislative organization, and be it further

*Resolved*, that this resolution be published in the House Journal and made a part of the permanent record and released to the news media in order that it may be known that the New Hampshire House of Representatives is a body of free individuals who make their own decisions and will not be put under any whip.

The clerk read the resolution in full.

Referred to the Resolutions Committee.

## COMMUNICATION

Honorable James O’Neil

Speaker of the House of Representatives

Dear Mr. Speaker:

I would appreciate your informing the members of the House of Representatives that, commencing Wednesday, January 24, 1973, I intend to set aside the hour of 11:00 A.M. to 12:00 Noon on each Tuesday, Wednesday, and Thursday during the Legislative Session as an “open hour” for members of the General Court.

Except when unforeseen or otherwise unavoidable circumstances prohibit (e.g. Executive Council meetings), I will be available during the designated “open hour” to meet with indi-



vidual legislators who have matters which they wish to discuss with me. No appointments will be necessary during the "open hour" and I hope to see as many legislators as wish to meet with me. To ensure that possibility, I would hope that the "open hour" be used for matters that can be addressed with reasonable brevity. Members of the General Court who wish to discuss more detailed or complex issues might arrange a regular appointment with me outside of the "open hour" when a more lengthy period of time is available.

Meldrim Thomson, Jr.  
Governor

The clerk read the communication in full.

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that beginning Tuesday, January 30 and continuing for two weeks the House will meet on Tuesday and Wednesday at 1:00 p.m. and on Thursday at 11:00 a.m.

Reps. Spirou, Scamman and Daniell spoke in favor of the resolution.

Reps. Daniel J. Healy, Cunningham, Belair, Keefe and Maynard spoke against the resolution.

A division was requested.

189 members having voted in the affirmative and 131 in the negative, the motion prevailed.

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On motion of Rep. George B. Roberts, Jr., the House adjourned from the early session and the Rules of the House were so far suspended as to permit reading of bills by title only, and that when the House adjourns today it be to meet Tuesday next at 11:00 o'clock.

### LATE SESSION

Third reading and final passage

HB 154, increasing the debt limit for the Gilford School district.

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On motion of Rep. Daniell the House adjourned at 2:16 p.m.

*Tuesday, 23Jan73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Sherwood A. Treadwell, Wesley United Methodist Church, Concord.

**Eternal God**, our creator and ultimate arbiter of all the affairs of men, with humility we present ourselves before Thee, seeking Thy guidance in the deliberations before us. We pray that our decisions may be directed always away from self-interest and toward the common welfare; that the condition of our pocketbooks may be secondary to our concern for persons. When we are tempted to derive personal gain and status at the expense of others, deflate our egos and cause our pedestals to crumble. When ethical choices are before us, let us weigh the implications and possible consequences of our actions before Thy scrutiny. Then lead us, O God, in decisive action in the cause of honesty and integrity.

We offer a special prayer today in memory of Lyndon Baines Johnson, for his leadership and contributions to the preservation of a nation devoted to the principles of democracy. May his family find comfort in the assurance of a sympathetic people and hope in the promise of a loving and accepting God. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Knight led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Bernard, Junkins, Kincaid, Parnagian, Ames, Myrl R. Eaton and Reed, the day, illness.

Rep. Doris L. Thompson, indefinite, illness.

Rep. Belcourt, the day, important business.

Rep. Kopperl, today and tomorrow, important business.

Reps. Tony Smith, Beaulieu, and D'Allesandro, the week, important business.

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#### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 234 through 261 and Concurrent Resolution Proposing Constitutional Amendment number 19 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's & CACR

### First, second reading & referral

HB 234, relative to the minimum caging requirements for certain animals in pet shops and the like and requiring that such cages have clean water at all times. (Sabbow of Belknap Dist. 8, Howard of Carroll Dist. 1 — To Public Health and Welfare.)

HB 235, relative to exemption from the New Hampshire property tax. (Cote of Hillsborough Dist. 28 — To Ways and Means.)

HB 236, prohibiting any political soliciting or advertising within polling places or within one hundred and fifty feet of the entrance to polling places. (Hamel of Rockingham Dist 11 — To Statutory Revision.)

HB 237, providing that the city of Rochester be the location of the proposed Strafford County Administration Building. (Ruel of Strafford Dist. 10 — To Special Committee on Strafford County Delegation.)

HB 238, prohibiting the operation of snow-covered automobiles on highways. (Ruel of Strafford Dist. 10 — To Transportation and Aeronautics.)

HB 239, to permit beer sales for consumption on the premises on Sunday by grocery stores during regular hours. (Horan of Hillsborough Dist. 27 — To Liquor Laws.)

HB 240, providing shift differential compensation for state employees and making an appropriation therefor. (Palfrey of Rockingham Dist. 18 — To Executive Departments and Administration.)

HB 241, establishing a supplemental salary in lieu of fees

for the Rockingham county register of probate. (Hammond of Rockingham Dist. 17 — To Special Committee on Rockingham Delegation.)

HB 242, relative to five percent interest on tenant's security deposit. (Soule of Rockingham Dist. 3, Thibeault of Rockingham Dist. 3 — To Judiciary.)

HB 243, requiring restoration when public property is defaced. (Soule of Rockingham Dist. 3, Thibeault of Rockingham Dist. 3 — To Judiciary.)

HB 244, relative to the maximum allowable annual interest rate on loans and consumer credit sales. (Nelson of Hillsborough Dist. 9 — To Banks and Insurance.)

HB 245, naming of Ragged Mountain Highway. (Gemmil of Grafton Dist. 10, Krainak of Grafton Dist. 12 — To Public Works.)

HB 246, relative to reimbursement of certain towns for district court sessions held within such towns. (Frizzell of Sullivan Dist. 7 — To Judiciary.)

HB 247, to increase the appropriation for funding of certain improvements on, and the four lane extension of, the Spaulding Turnpike. (Davis of Carroll Dist. 2, Davis of Merrimack Dist. 15, Brungot of Coos Dist. 8, Fortier of Coos Dist 6 — To Public Works.)

HB 248, relative to the construction or reconstruction of a bridge in the town of Jefferson. (Burns of Coos Dist. 4, Richardson of Coos Dist. 4, Lee of Coos Dist. 3 — To Public Works.)

HB 249, relative to the power of Castle Junior College to grant a degree. (Knight of Hillsborough Dist. 8 — To Education.)

HB 250, requiring that no more favorable loan terms be granted by banks to officers thereof than to others. (Woodward of Merrimack Dist. 20 — To Banks and Insurance.)

HB 251, relative to injury to property of another person. (Heald of Hillsborough Dist. 5 — To Judiciary.)

HB 252, to provide staggered six year terms for Rockingham county commissioner. (Hammond of Rockingham Dist. 17 — To Special Committee on Rockingham Delegation.)

HB 253, to adopt an occupational safety and health law for the state of New Hampshire. (Stevenson of Grafton Dist. 3, Coutermarsh of Hillsborough Dist. 24 — To Labor, Human Resources and Rehabilitation.)

HB 254, specifying certain deductions which must be allowed proprietorships and partnerships in calculating the business profits tax. (Cate of Merrimack Dist. 14 — To Ways and Means.)

HB 255, providing for mandatory employment in each school district of a learning disability teacher. (Carswell of Hillsborough Dist. 13, Lyons of Hillsborough Dist. 13 — To Education.)

HB 256, relative to outdoor advertising on the interstate, federal-aid systems and turnpikes. (Raymond of Cheshire Dist. 12 — To Public Works.)

HB 257, relative to the prohibition of certain promotional games. (MacDonald of Hillsborough Dist. 32 — To Statutory Revision.)

HB 258, relative to the debt limit of the Londonderry school district. (Boucher of Rockingham Dist. 3 — To Education.)

HB 259, relative to a state scholarship program for students who are residents of this state and attending post secondary educational institutions in this state, and making an appropriation therefor. (Hall of Hillsborough Dist. 12 — To Education.)

HB 260, limiting to one set the number of legislative registration plates. (Soule of Rockingham Dist. 3 — To Statutory Revision.)

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the state. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

CACR 19, Relating to: Establishing a unicameral legislature for New Hampshire. Providing that: The general court of New Hampshire be unicameral. (Horan of Hillsborough Dist. 27 — To Constitutional Revision.)



## COMMITTEE REPORTS

**HB 57**

establishing restriction of out-of-state students at the University of New Hampshire to fifteen percent of student enrollment. Inexpedient to legislate. Rep Rock for Education

Resolution adopted.

**HB 63**

repealing dual enrollment grants. Inexpedient to legislate. Rep. Rock for Education

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. French spoke against the motion.

(discussion)

Reps. Coutermarsh, William P. Boucher, Nardi and Pryor spoke against the motion.

Motion lost.

Resolution adopted.

**HB 52**

changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center. Ought to pass. Rep. Vey for State Institutions.

Ordered to third reading.

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392 Representatives elected and qualified

197 Majority

235 Three-fifths

261 Two-thirds

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**CACR 11**

relating to voting age. Providing that eighteen year olds may vote. Ought to pass with amendment. Rep. Harvell for Constitutional Revision

## AMENDMENT

Amend Constitutional Amendment Concurrent Resolu-



tion by striking out paragraph II and inserting in place thereof the following:

II. *Resolved*, That the above amendments proposed to the Constitution be submitted to the qualified voters of the state at the regular biennial election to be held in November, 1974.

Further amend Constitutional Amendment Concurrent Resolution by striking out paragraph III and inserting in place thereof the following:

III. *Resolved*, That the selectmen of the several towns, cities, wards and places in the state are directed to insert in their warrants for the 1974 election an article to the following effect: To take the sense of the qualified voters whether the amendments of the Constitution proposed by the 1973 session of the General Court shall be approved.

(discussion)

Amendment adopted.

### SUSPENSION OF RULES

Rep. Zachos moved that the rules of the House be so far suspended as to place CACR 11 on third reading and final passage by caption only at the present time.

302 members having voted in the affirmative and 1 in the negative, the motion was adopted by the necessary two-thirds.

Third reading and final passage

CACR 11, relating to voting age. Providing that eighteen year olds may vote.

292 members having voted in the affirmative the motion was adopted by the necessary sixty percent.

### CACR 10

relating to removing the deadline date on paying legislative mileage. Providing that the first day of July be repealed. Ought to pass with amendment. Rep. Harvell for Constitutional Revision

### AMENDMENT

Amend Constitutional Amendment Concurrent Resolu-

tion by striking out paragraph II and inserting in place thereof the following:

II. Resolved, That the above amendments proposed to the Constitution be submitted to the qualified voters of the state at the regular biennial election to be held in November, 1974.

Further amend Constitutional Amendment Concurrent Resolution by striking out paragraph III and inserting in place thereof the following:

III. Resolved, That the selectmen of the several towns, cities, wards and places in the state are directed to insert in their warrants for the 1974 election an article to the following effect: To take the sense of the qualified voters whether the amendments of the Constitution proposed by the 1973 session of the General Court shall be approved.

The clerk read the amendment in full.

Rep. Joseph M. Eaton spoke in favor of the committee report.

(discussion)

Rep. James A. Humphrey spoke in favor of the amendment.

Rep. Daniel J. Healy spoke against the committee report.

Rep. Joseph L. Cote moved that further consideration of CACR 10 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Harvell, Coutermarsh and Raymond spoke against the motion.

Motion lost.

Rep. Sayer spoke against the committee report.

Reps. Spirou and George B. Roberts, Jr. spoke in favor of the committee report.

Amendment adopted.

## SUSPENSION OF RULES

Rep. Coutermarsh moved that the rules of the House be

so far suspended as to place CACR 10 on third reading and final passage by caption only at the present time.

307 members having voted in the affirmative and 4 in the negative the motion was adopted by the necessary two-thirds.

#### Third reading and final passage

CACR 10, relating to removing the deadline date on paying legislative mileage.

305 members having voted in the affirmative and 5 in the negative CACR 10 was adopted by the necessary sixty percent.

Reps. Joseph L. Cote and Daniel J. Healy wish to be recorded as voting against CACR 10.

#### RECESS

#### AFTER RECESS

#### CACR 12

relating to jury trial in civil causes. Providing that the supreme court by rule of court shall determine the value in controversy for the right of trial by jury in civil causes. Ought to pass with amendment. Rep. Harvell for Constitutional Revision.

#### AMENDMENT

Amend Article 20th as inserted by paragraph I of the Constitutional Amendment Concurrent Resolution by inserting in line five after the word "court" the following (after public hearing) so that said article as amended shall read as follows:

[Art.] 20th [Jury Trial in Civil Causes.] In all controversies concerning property — and in suits between two or more persons, except in cases in which it has been heretofore otherwise used and practiced, and except in cases in which the value in controversy does not exceed an amount which has been determined by the Supreme Court after public hearing, and title of real estate is not concerned the parties have a right to a trial by jury and this method of procedure shall be held sacred, unless, in cases arising on the high seas and such as relates to mariners' wages the legislature shall think it necessary hereafter to alter it. The amount as determined by the Supreme Court as hereinabove referred to shall be promulgated by rule of court

for a period of five years, and shall be reviewed every five years and continued or modified as the wisdom of the court may determine.

Amend Constitutional Amendment Concurrent Resolution by striking out paragraph II and inserting in place thereof the following:

II. Resolved, That the above amendments proposed to the Constitution be submitted to the qualified voters of the state at the regular biennial election to be held in November, 1974.

Further amend Constitutional Amendment Concurrent Resolution by striking out paragraph III and inserting in place thereof the following:

III. Resolved, That the selectmen of the several towns, cities, wards and places in the state are directed to insert in their warrants for the 1974 election an article to the following effect: To take the sense of the qualified voters whether the amendments of the Constitution proposed by the 1973 session of the General Court shall be approved.

Further amend the Constitutional Amendment Concurrent Resolution by striking out paragraph IV and inserting in place thereof the following:

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the General Court:

Are you in favor of amending the New Hampshire Constitution to permit the Supreme Court after public hearing to establish by rule of court the amount below which a person may not demand a trial by jury in civil cases instead of the fixed present limitation of five hundred dollars?

Rep. Joseph M. Eaton explained the committee report.

Amendment adopted.

## SUSPENSION OF RULES

Rep. Joseph M. Eaton moved that the rules of the House be so far suspended as to place CACR 12 on third reading and final passage by caption only at the present time.

259 members having voted in the affirmative and 3 in the negative the motion was adopted by the necessary two-thirds.

## Third reading and final passage

CACR 12, relating to jury trial in civil causes. Providing that the supreme court by rule of court shall determine the value of controversy for the right of trial by jury in civil causes.

279 members having voted in the affirmative and 2 in the negative the motion was adopted by the necessary sixty percent.

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Reps. Daniel J. Healy and Joseph L. Cote wish to be recorded as voting against CACR 12.

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**CACR 2**

relating to establishing a two year term for attorney general. Providing that the attorney general shall be elected biennially for a two year term. Inexpedient to legislate. Rep. Withington for Executive Departments and Administration

Resolution adopted.

**CACR 3**

relating to recall of elected officers. Providing that any elective officer, except judicial officers shall be subject to recall by the voters. Inexpedient to legislate. Rep. Chase for Statutory Revision

Resolution adopted.

Rep. T. Anne Webster wishes to be recorded as voting against CACR 3.

**PERSONAL PRIVILEGE**

Rep. Chris K. Andersen rose on a point of personal privilege.

**RESOLUTION**

Reps. George B. Roberts, Jr. and Coutermarsh offered the following:

*Be It Resolved by the House that:*

The amendments to the 1971 Rules of the House proposed by the Rules Committee (which were placed in the seat pockets



of all members on Thursday, January 18, 1973) be adopted and be it further resolved that the 1971 Rules of the House as so amended, be adopted as the Rules of the 1973-1974 Biennium.

The clerk read the resolution in full.

Rep. Roberts explained the Rules committee recommendations as follows:

Add 20 (a)

(a) In all cases not provided for by the Constitution, the rules of the House or the Joint Rules, "Mason's Manual of Legislative Procedure" shall be referred to as the primary guide.

24. Delete last sentence. In line 2 substitute "session" for "biennium".

32. Correct titles of committees. "Environmental Quality and Agriculture" to "Environment and Agriculture"; "Transportation and Aeronautics" to "Transportation".

32 (a) Same

New paragraph

The Committee shall submit to the House on or before May 1 a budget bill for the biennium which submits a balanced budget. The Committee shall work in close cooperation with Ways and Means in determining the State income available for budget purposes at mutually agreed periodic times. In addition, the Committee shall report to the House all other bills by the date established therefor by the Joint Rules. All bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass", "ought to pass with amendment", "recommended but to be laid on the table because not funded", or "inexpedient to legislate". Further provided that the Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state.

(f) It shall be the duty of the committee on Environment and Agriculture to take into consideration all matters concerning agricultural and farm problems of the state, physical land use, the various agricultural organizations, the protection of the state's environment from air pollution, and such other matters as may be referred to it.

(q) It shall be the duty of the committee on Resources,



Recreation and Development to consider all matters relating to natural resources, water pollution and control, parks and recreational areas, recreational industries, matters concerning state controls on property development and such other matters as may be referred to it.

New (u) It shall be the duty of the Committee on Transportation to consider all matters pertaining to development, operation, regulation and control of all means of transportation in air or on land or water, and such other matters as may be referred to it.

(v) It shall be the duty of the Committee on Ways and Means to examine and take into consideration the state of the treasury, to consider and report on all bills and resolutions relating to raising money by a state tax, the apportionment of the same, and all other methods for raising revenue for the state. They shall consider and report periodically to the House upon every other subject concerning the financial interest of the state, the first report to be made on or before April 1st; and such other matters as may be referred.

New 1st sentence.

40. Every bill and joint resolution shall have three several readings in the House previous to its passage.

New next to the last sentence.

The time assigned for the third reading of bills, resolutions and joint resolutions shall be in the late session unless otherwise ordered by the House.

41 (a) No amendment that is not germane to the subject matter of the bill or resolution or joint resolution or concurrent resolution shall be added to any bill or resolution or joint resolution or concurrent resolution.

New 1st sentence.

45. All bills and joint resolutions appropriating state money which have been favorably reported from any committee, except those relating to claims from the Committee on Claims, Military and Veterans Affairs shall be referred to the Committee on Appropriations for revision.

Add last sentence.

46. All other bills and joint resolutions must be filed with Legislative Services no later than the fifteenth legislative day.

## Explanation:

9th legislative day this year is January 23; already adopted, subject to suspension by the House.

15th legislative day is February 6 this year, subject to suspension by a two-thirds vote.

## Add to 56

No employee or attache of the House Sergeant-at-Arms shall directly or indirectly, interest or concern himself with the passage or consideration of any measure whatsoever. If any such employee or attache so interests, or concerns himself with any measure it shall be grounds for summary dismissal.

(discussion)

(Deputy Speaker in the Chair)

(discussion)

(Speaker in the Chair)

The clerk read the resolution a second time.

Resolution adopted.

Rep. Weeks offered the following amendment to House rule 45:

## AMENDMENT

Amend the amendment proposed to House Rule 45 by striking out said amendment and inserting in place thereof the following:

New 1st sentence.

45. All bills and joint resolutions appropriating state money which have been favorably reported from any committee, except those from the Committee on Claims, Military and Veterans Affairs which appropriate for a claim against the state, shall be referred to the Committee on Appropriations.

The clerk read the amendment in full.

Rep. Weeks explained the amendment.

Rep. George B. Roberts, Jr. spoke in favor of the amendment.

Amendment adopted.

Rep. Ferguson offered the following amendment to House rule 46:

#### AMENDMENT

Amend House Rule 46 by striking out in line seven the word "ninth" and inserting in place thereof the following (twelfth) so that said rule as amended shall read as follows:

46. No request by a member of the House for drafting a bill or resolution providing for new state revenue, for a change in any existing state revenue statute, or containing an appropriation, other than the general budget or the capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with complete information as to details, has been filed with said Service no later than the twelfth legislative day and any such bill or resolution may not be introduced into the House later than March first.

The clerk read the amendment in full.

Rep. Ferguson explained the amendment.

Rep. George B. Roberts, Jr. spoke in favor of the amendment.

(discussion)

Amendment adopted.

Rep. Horan offered an amendment to House Rule 30.

The clerk read the amendment in full.

Rep. Horan explained the amendment.

Reps. Russell C. Chase, George B. Roberts, Jr., Parr and Coutermarsh spoke against the amendment.

Amendment lost.

#### SENATE MESSAGES

##### INTRODUCTION OF SENATE BILL

First, second reading & referral

SB 24, relative to securing loads of wood products on motor vehicles. Transportation.

## CONCURRENCE

HB 154, increasing the debt limit for the Gilford school district.

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VACATE

Rep. Roma A. Spaulding moved that the House vacate the reference of HB 234, relative to the minimum caging requirements for certain animals in pet shops and the like and requiring that such cages have clean water at all times, to the committee on Public Health and Welfare and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

## RESOLUTION

Reps. George B. Roberts, Jr. and Coutermarsh offered the following:

*Resolved*, that the clerk be authorized to renumber the House rules in numerical sequence without the use of letters, and to number or letter the paragraphs in present House rule 32, and to make such corrections in grammar and punctuation as may be necessary.

The clerk read the resolution in full.

Adopted.

REPORT OF COMMITTEE TO  
SELECT A CHAPLAIN

The House members of the committee to select a chaplain have met and nominated for chaplain of the House in the 1973 session Rev. Joseph Y. Beaulieu of Goffstown.

Marion Wuelper, Chairman

Rep. Wuelper explained the committee report.

Adopted.

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RESOLUTION

Rep. George B. Roberts, Jr. offered the following:

On motion of Rep. George Roberts, Jr., the House adjourned from the early session and the Rules of the House were so far suspended as to permit reading of bills by title only, and that when the House adjourns today it be to meet tomorrow at 11:00 o'clock.

### LATE SESSION

#### Third reading and final passage

HB 52, changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center.

#### REPORT BY FISCAL COMMITTEE AS DIRECTED IN SENATE JOINT RESOLUTION 34

This study was undertaken by and under the supervision of the Fiscal Committee of the General Court, and this report is submitted by it.

The Resolution specifically questioned:

1. The fairness of certain provisions of the state's retirement system with respect to Group I members.
2. The adequacy of present retirement benefits in an inflationary economy with its subsequent cost-of-living deficiencies.
3. The need to evaluate hospitalization and other available benefits for retirees.

The Resolution specifically indicated guidelines (italicized) be reviewed in the course of this study:

#### Guidelines and Findings

1. *Whether years of service should be made the only criterion for retirement benefits eligibility regardless of the occasion or reason for retirement;*

In our investigation we found that interpretations of the eligibility for benefits criterion differed. The New Hampshire Education Association in a letter dated February 5, 1972, (Appendix I) to Chairman of the Fiscal Committee stated:

. . . retirement after 30 years of service regardless of age or lowering the retirement age . . .

At a public hearing on Senate Resolution 34 the following statement was submitted:

... The retirement law states that Group I members (teachers and state employees) may retire at age 60. This criterion for retirement eligibility is questionable for the following reasons:

- A. This is inconsistent with Group II eligibility which may begin at age 50 or 25 years of service.
- B. The physical and emotional demands of teaching have increased greatly in recent years.
- C. One may have ineffective teachers bidding their time in order to reach retirement eligibility at the expense of their students. Teacher shortages may be a thing of the past. Why not let a teacher retire when he or she wants to.
- D. The individual teacher is the best judge of retirement time based on health, effectiveness with children, and their own personal plan for life. Age and/or years of service may vary greatly with the individual.
- E. The trends in private industry toward earlier retirement are evident...

It is our understanding that the criterion should probably cite optional retirement with less than 30 years creditable service and before age 60.

*II. Whether the retirement benefits of group I members shall be accorded on a basis other than the thirty-year creditable service rule now in effect;*

The only study available for coverage of Guideline II is the actuarial review on February 18, 1969 (Exhibit 1a). We assume June 30, 1967 actuarial valuations of the Group I members — old and new system were used, and we projected on 1974 and 1975 estimated salaries with an 8% growth factor, (see Exhibits 1a, 1b, and 1c attached for details). The value of a study using 1967 valuations is questionable. This was the only study available for coverage of Guideline II, and the estimated costs are shown in Exhibit 1c.

At a public hearing on December 14, 1971, the following



statement was supplied to this committee in reference to Guideline II.

. . . Relative to the 30-year creditable service rule, the law — 100-A:5 (b) — states that the state and member annuity shall be equal to  $1/60$  of the final average compensation multiplied by the number of years of service not in excess of 30 years. For years of service over 30 years, it is  $1/120$  of the compensation.

$1/60 \times$ (years of service not in excess of 30 years)	$\times$ final average compensation
$1/120 \times$ (years of service be- yond 30 years)	$\times$ final average computation

- A. This discriminates against a teacher because of age. It is quite possible that this is unconstitutional.
- B. With this reduction in benefit, the teacher is still required to contribute at the full rate after 30 years of service and yet is given only  $1/2$  credit for benefits . . .

Our understanding of Guideline II is to secure for Group I members full credit after 30 years' creditable service in lieu of  $1/2$  year's credit as provided in 100-A:51 (B) (2) .

III. *Whether benefits payable under the retirement system shall be made without regard to the recipient's eligibility for social security benefits;*

The New Hampshire Retirement System is an integrated system. The system provides:

- a. At age 60 and after 30 years of service, a retirement benefit equal to one-half of the average of the five highest years of compensation —
  1. To be paid by a member annuity which will be the actuarial equivalent of his accumulated contributions.
  2. And by a state annuity which is derived from the contributions of a member's employer and contributions of the State.
- b. At age 65, the system provides a benefit of at least one-half of the average of the five highest years of compensation.
  1. Financed by the same member annuity (primary in-

surance amount) and the state annuity based on the social security breakpoint. The combination of these two annuities shall not be less than one-half of the average of the five highest years of compensation stated above.

When this system was originally designed, social security benefits began at age 65, and if social security had remained at 65 years, there would have been no alleged reductions in retirement benefits. The social security system, now, allows for reduced optional social security benefits at age 62. Many members elect to draw this benefit at age 62, in addition to their state retirement benefit. (Member and state annuity — one-half of the average of five highest years of compensation, plus optional social security benefits).

At age 65 — Member & State annuity shall be at least 50% of average of highest five-years compensation.

At age 62 — Member & State annuity at 50% of average of highest five years compensation plus optional social security.

In no case does the 30-year retiree receive less than 50% of his average five years' compensation.

Mr. Descoteau, Assistant Treasurer of the Retirement Systems, has prepared the comparison chart below showing the retirement payments at ages 62 and 65 from the old and new systems;

State employee, 30 years service, final average \$8050, retiring 1-1-73 at age 62.

Old System	Social Security	New System
\$2235.54	\$2769 (approx.)	\$4025.10 to age 65
for life	for life,	2898.02 thereafter
	plus legislated increases	

At the end of ten years, benefits collected (exclusive of social security) will amount to:

Old System	New System
\$22,355.40	\$12,075.30
	+ 20,286.14
	<hr/>
	\$32,361.44

New System retiree is ahead \$10,006.40

### *Assumptions*

Any increases in social security payments will not increase or decrease the retirement benefit calculated above for each system.

The Old System retirant has been penalized approximately 24% ( $8\% \times 3$  years) by the exercising of his option to retire at age 62. New System retirant has no penalty for his early retirement.

Concerning Group I member's retirement allowance being reduced at age 65, the law — 100-A:5 (b) — states that at age 65, when social security benefits normally become effective, the member's retirement allowance is reduced by  $1/120$  of the average final compensation not in excess of \$4,200 for a total of 30 years (for service under the old system) plus  $1/120$  of the average final compensation not in excess of the applicable social security wage base ( presently \$7,800 to 1-1-72) for a total of 30 years for service under the new system plus  $1/240$  of the average final compensation not in excess of \$4,200 for years of service under the old system which are in excess of 30 years, plus  $1/240$  of the applicable social security wage base for years of service under the new system in excess of 30 years.

A bill introduced during the 1971 session (HB 305) — (Exhibit 2b) with an actuary's statement of 9/15/70 (Exhibit 2a) , explored the costs of changing present legislation. The bill in part one reflected no cutback of state annuity at age 65 or earlier in case of disability. Part two is the same as proposal one but members make contributions at full rate on all of their earnable compensation. (Refer to Graphs 1 & 2 of Actuary Study No. 7 — Exhibits 2c and d.)

Additional comments were relayed to the Fiscal Committee in reference to Guideline III as quoted below:

. . . It is important that the Group I retiree continue to receive his full retirement benefits after reaching the age 65. Thus, we are asking that favorable consideration be given to our request that maximum retirement be continued beyond age 65.

At the present time, the majority of retirees receive a

reduction in benefits from the N. H. Retirement System of about \$850 per year upon reaching this age.

The retirement benefits, at best, offer the retiree an extremely limited means for living within the realm of dignity. This is especially true during these inflationary times. Any reduction in benefits is unrealistic and creates a definite hardship to those dedicated individuals who worked for years at substandard salaries.

In order that the benefits received by Group I members will be more in line with their financial needs, it is important that the reduction taken at age 65 be removed.

Because of this, we again ask that FULL RETIREMENT BENEFITS CONTINUE BEYOND AGE 65 . . . In answer to the 1st paragraph in quotation above:

Group I retiree does receive a benefit at one-half of average of his highest five years of compensation.

*IV. Whether cost-of-living adjustments should be built into all retirement group benefit schedules;*

Presently, no cost-of-living adjustment of retirement benefits is provided for by the system. The computed benefit for a retirant by the Retirement Division does not fluctuate. The increases of social security benefits by Federal action accrue completely to the recipient. Legislation relating to a 4% cost-of-living adjustment annually, with no "catch-up" increases to current pensioners, was presented in HB 238 (Exh. 3b) of the 1971 session. The actuary, in his report of September 16, 1970 — (Exh. 3a), provided cost figures based on the 4% cost-of-living, and, also a 3% cost-of-living adjustment. HB 238 had an appropriation of \$92,000 in FY '72 and \$97,000 in FY '73, which did not cover the increased costs estimated by the actuary. Graphs 3 through 7 (Exh. 3c-3g) of Actuary Studies 2 and 3 present the estimated costs by system and in total for the State and the political subdivisions.

While HB 238 provided an appropriation of \$92,000 in 1972 FY and \$97,000 in 1973 FY, our estimates indicate the cost increases were grossly underestimated. In fact, the cost to both the state and the subdivisions would be in excess of a million dollars in both the normal contribution and the accrued liability contribution. In 1983, the state accrued liability con-

tribution would be  $2\frac{1}{2}$  times present costs at a constant level, and the normal contribution would be 3 times the 1974 estimated normal contribution costs.

The cost-of-living study has been reviewed further with the actuary to ascertain if a reduced percentage would reflect a comparable reduction in the normal contribution and the accrued liability contribution.

The following statement was made relative to cost-of-living adjustments as requested in Guideline IV:

Statement of House Speaker Marshall W. Cobleigh Before the House Committee on Executive Departments and Administration relative to House Bill Number 238; on Wednesday, February 24, 1971 in Room 119:

. . . Since the inception of these retirement systems, the economy of our state and that of the nation has undergone great change. We are now experiencing the unique and difficult combination of inflation and recession in its most stark and real form. This economic situation is most difficult for those persons who are living on fixed incomes; a fact of life for the great majority of those beneficiaries of the state retirement systems . . .

Another actuary report, dated January 14, 1972, was submitted on the assumption of a 2% Cost of Living grant to current pensioners. (See Exhibit 4).

*2% Cost of Living — All Funds All Systems  
Additional 2% Annually for 4 Years\**

\*1) While the annual cost of the first two 2% increases (\$125,000) is relatively small, a continuation of this program of annual 2% increases would result in a dramatic escalation of the annual cost. For example, the third increase (as of January 1, 1973) might add another \$75,000 to the annual cost, the fourth increase an additional \$85,000, etc. Therefore, this funding method does not give an accurate picture of the long term cost implications of adopting a program of annual 2% pension increases.

	Est. 1974 Normal Cont.	Est. 1974 Accrued Liability	Est. Special Liab. Cost of Living for 20 years
1974	\$2,876,168	\$922,369	\$50,400 1st year
1975	3,106,263	922,369	125,000 2nd year
1976	3,354,764	922,369	200,000 3rd year
1977	3,623,145	922,369	285,000 4th year



Source:

G. B. Buck letter 1/14/71

Actuary cautions "the diversion of excess earnings of the systems to cover annual cost of the above increases will result in a slightly higher normal contribution rate payable by the employers". The above figures were projected on June 30, 1969, actuarial valuations and should be updated by actuary to reflect latest valuations available.

*V. Whether the present maximum hospitalization allowance is adequate;*

At the present time, 100-A:16,IV authorizes continuation of Blue Cross-Blue Shield insurance for retirees as noted below:

... IV. Authorized Deductions. Notwithstanding any other provisions of this chapter, any member who makes application for benefits hereunder and who is at the time a member of the so-called Blue Cross-Blue Shield insurance plan may request that the monthly payments for such insurance be deducted from the benefit payments which he is to receive, and in such case said deduction shall be made from the sums due the member ...

The handbook of information issued by the Board of Trustees of the system mentions a retired members' group plan:

... Q. Does the New Hampshire Retirement System provide a group medical and surgical insurance plan for retired members?

A. Yes, any member who makes application, and receives monthly benefits from the system and who is at the time a member of a Blue Cross-Blue Shield insurance plan, may transfer membership to the retired members' group plan. The monthly premiums on such insurance will be deducted from the benefits received from the system. The New Hampshire Retirement System provides no other group insurance ...

The present provisions of the Blue Cross-Blue Shield retired members' group plan encompass two programs. Those members retiring prior to June 30, 1970, have the following coverage:



Blue Cross \$20/120 days

Blue Shield B Plan

Rider 1 (Dr. Visit — Home & Office — 15 calls)

3B \$40 Laboratory \$60 x-ray

(Dr. Visit — Hosp. — 120 calls)

Major Medical (Reduced) \$5000

Members retiring subsequent to June 30, 1970;

Blue Cross \$Daily rate/120 days (Semi-Private)

Blue Shield B Plan

Rider 1 (Dr. Visit — Home & Office — 15 calls)

3B \$40 Laboratory Fees \$60 x-ray

6 (Dr. Visit — Hosp. — 120 calls)

Major Medical (Reduced) \$5000

Also, these retirants have intensive care facilities coverage.

These coverages relate to political subdivision employees, as well as state employees. This information was supplied by Mr. Charles Smith — District Manager — Area, who is responsible for state and political subdivision employee plans.

No actuary report or legislation was introduced during the 1971 session.

VI. *Whether the retiree should have the option to designate a beneficiary other than a wife, dependent father or dependent mother under the system's accidental death benefit provision.*

Group I members have requested the option to designate a *named* beneficiary rather than a *dependent* beneficiary in accidental death settlements. This option will assist the annuitant to declare a named estate recipient if no dependent beneficiary survives.

Comments were presented to this committee relating to Guideline VI during our public hearing of December 14, 1971. Miss Vivian Brown, a teacher from Portsmouth related the following:

... I would also like to speak with regard to the designation of the beneficiary by a Group I member. At the present time, a Group I member may designate a wife or dependent mother or father as the beneficiary under the system's accidental death benefit provision. The question is, should a

Group I member who doesn't have a husband or a wife or a dependent mother or father, be handicapped? Should this item be the same as provided for Group II members which states that they would be payable to the person or persons nominated by the member or to the member's estate? Thank you for your consideration . . .

and the following statement was also presented:

Regarding the designation of the beneficiary by a Group I member:

. . . At the present time, a Group I member may designate a wife or dependent mother or father as the beneficiary under the system's accidental death benefit provision.

The question is, should a Group I member who does not have a husband or wife, whose parents are deceased but does have dependent relatives — brother or sister — be handicapped? Should this item be the same as is provided for Group II member — payable to the person or persons nominated by the member or to the member's estate . . .

Statements made and testimony presented during public hearings on SJR 34 on this subject have resulted in erroneous conceptions. In our review of the New Hampshire Retirement System, we can find no substantiation of the statement — "Should this item be the same as provided for Group II members which states that they would be payable to the person or persons nominated by the member or to the member's estate?"

We believe the misunderstanding has occurred in Chapter 100-A:9 Ordinary Death Benefit — Group II Members. This section related only to Group II members in service indicating that the death was not the result of an accident while in the performance of duty. The provisions of Chapter 100-A:8, I (a) and 100-A:8, II (a) are the same relating to Accidental Death Benefits. The payable amounts in 100-A:8, I, (b) and 100-A:8, II, (b) are calculated with a different formula, and Group I members are based on average of five highest years of compensation, while Group II members use the annual rate of earnable compensation at time of death.

#### *CONCLUSIONS & RECOMMENDATIONS:*

Your Fiscal Committee has reviewed in depth the ques-

tions outlined in SJR 34, and in conjunction with an actuary representative, administrative staff of the Retirement System, and the legislative staff furnishing technical and cost data exhibits, we present our conclusions.

During this extensive review, we have retained in our studies the two-fold purpose of 1) proposing a fair, modern, and realistic overall retirement system for the State and its political subdivisions, and 2) insisting the retirement system retains its sound financial basis.

- I. *Whether years of service should be made the only criterion for retirement benefits eligibility regardless of the occasion or reason for retirement;*

We recommend no action be taken on this request for the following reasons:

1. Age limits were not recommended in the Resolution. Therefore, a cost analysis was not possible by the actuary.
  2. Actuary suggests considerable increase in normal contribution by employers.
  3. No sound basis for introducing this legislation.
- II. *Whether the retirement benefits of Group I members shall be accorded on a basis other than the thirty-year creditable service rule now in effect;*

We do not endorse this proposal of eliminating 1½ credit after 30 years service. It is our understanding any credit after 30 years is an additional benefit — Most retirement systems do not incorporate credit beyond 30 years. Additionally, a revision for Group I members would create an imbalance and discriminate against Group II members. Costs to political subdivisions and the State would be increased substantially as noted in Guideline II, Exhibit Ic in the exhibits.

- III. *Whether benefits payable under the Retirement System shall be made without regard to the recipient's eligibility for social security benefits;*

It is our recommendation that this proposed change in the system not be implemented due to the financial impact. The Retirement System was incorporated as an integrated system

and afforded  $1\frac{1}{2}$  pay to all members upon retirement after age 60 with a minimum of 30 years service. This proposed change would upset this basic philosophy and would create a substantial increase in normal contribution and accrued liability costs for the State and political subdivisions. (See Appendix for Charts 2 (c), and (d).)

Congress during the 1972 Session legislated an automatic increase in benefits whenever the cost-of-living rises more than 3% in a calendar year.

*IV. Whether cost-of-living adjustments should be built into all retirement group benefit schedules;*

Based upon the actuary's estimated costs for 4% cost-of-living adjustments, the estimated normal contributions in Exhibits 3c-3h would increase from \$4,550,007 in 1974 to \$9,091,794 in 1983. In comparison, the political subdivisions' normal contribution would increase from an estimated \$5,222,106 in 1974 to an estimated \$10,439,014 in 1983. In 1983, the State accrued liability contribution would be  $2\frac{1}{2}$  times present costs at a constant level, and the State normal contribution would be 3 times the 1974 estimated normal contribution costs. An additional exhibit is detailed in Exhibit 1c for a 4-year 2% cost-of-living granted consecutively.

As noted earlier, the Fiscal Committee believes the Retirement System should retain its sound financial basis. Some systems of other states and private industry are underfunded which results in reduction of benefits in future years and/or the State has to inflate its unfunded accrued liability. Eventually, the cost has to be paid. It is the recommendation of this Committee not to endorse a cost-of-living adjustment due to the substantial increase in costs.

All increases in social security accrue to the benefit of the retirant directly after retirement.

*V. Whether the present maximum hospitalization allowance is adequate;*

No testimony presented in the hearings. No recommendation by the Committee as it is not germane to the study of the Retirement Systems.

*VI. Whether the retiree should have the option to desig-*

*nate a beneficiary other than a wife, dependent father or dependent mother under the system's accidental death benefit provision;*

Based upon our findings relating to this question, the Committee recognizes the need to liberalize the classes of *dependent* survivors. It is the recommendation of the Committee that the *dependent* brother or *dependent* sister be included in New Hampshire Retirement systems for Groups I and II. The inclusion of both groups would reflect the Retirement Board's earlier statement "that any changes should be for the bulk of the membership and not structured for particular individuals".

During the Committee's deliberations, we reviewed the letter of April 5, 1972, (Exhibit 5) from the Retirement Board which in essence amplified the Board's annual report of January 15, 1971 to the Legislature.

The Fiscal Committee recommended legislation be prepared to amend RSA 100-A:9 to provide an Ordinary Death Benefit with same classes of beneficiaries for Group I members. Group II members already have this benefit. (See Exhibit 5a & 5b for estimated total employer costs.)

Also, to eliminate hardships for employees transferring or accepting other employment, the employee can enter the new retirement system when his new employment does not qualify him for membership in the old system. This change would require an amendment of RSA 100-A:18 and the Board has been requested to submit such legislative request.

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TO: The Honorable James E. O'Neil, Speaker of the House of Representatives.

## REPORT OF INTERIM STUDY COMMITTEE ON LOWERING THE AGE OF MAJORITY

### INTRODUCTION

The Interim Study Committee established by HB 392 during the 1971 session to study lowering the age of majority is pleased to submit its report herewith.

In addition to HB 392 which passed as Chapter 234 of 1971 Laws, Senate Bill 232 which concerned the same general sub-



ject matter was also referred to this Committee. The Committee also took cognizance of SB 21 of the 1972 special session concerning the age of majority although that bill was not formally referred to the Committee.

### BACKGROUND

The age of majority, i.e. the age when a person attains the legal right and responsibilities of an adult and loses the immunities, disabilities, and benefits of being a child, has generally been 21 throughout the United States. Most states, including New Hampshire, have had long standing exceptions to the general age of majority rule. For example, 18 year olds have been eligible to vote in Kentucky and Georgia since 1955; Louisiana and New York have permitted drinking of intoxicating beverages at age 18 for many years; and even in New Hampshire our Committee has identified many statutes where the age of attaining full legal rights and responsibilities for a particular purpose is something less than 21 years.

In recent years a number of states have made a wholesale or "across-the-board" change in the age of majority from 21 to 18. Both Vermont and Rhode Island have recently made such a reduction in the age of majority; Connecticut appears ready to do so, and the matter is being studied in Maine and Massachusetts according to our information.

In July of 1971 the 26th amendment to the U.S. Constitution gave 18 year olds the right to vote in both federal and state elections.

The majority of the Study Committee believes that the reduction in the age of majority from 21 to 18 for all purposes is an idea whose time has come. In fact, the Committee believes that this is an idea which was probably approved in principle by the last session of the legislature but was not passed because of different points of view as to *how* the change should be made.

A wholesale lowering of the age of majority not only gives persons 18 years old greater *rights*; it also gives them the same *responsibilities and burdens* as an adult and takes away the *disabilities, immunities and benefits* of being a minor.

### WORK OF THE COMMITTEE

There are basically three approaches which can be taken



by a legislature to effect such a wholesale reduction in the age of majority. The first approach is to simply state in a paragraph that the age of majority is hereby lowered without making reference to any specific statutes. The public and the courts are then left to figure out themselves precisely what effect the law has on the many sections of the existing body of laws. This appears to be the approach taken by most of the other states which have recently enacted wholesale changes in the age of majority. Your committee does not recommend such a course of action, and, in fact, your Study Committee felt that its principal purpose was to avoid the necessity of having to resort to this approach.

A second approach to lowering the age of majority is illustrated by Senate Bill 21 where the age of majority is changed by a simple paragraph without reference to other laws, but where the effective date of the change is put far enough into the future to allow the statutes which have been affected by the change to be identified and re-drafted. This is a more responsible approach, but is deficient in that it does not allow the legislature to understand the full ramifications of its actions beforehand.

The Committee believes that the most responsible approach to a wholesale change in the age of majority is to identify as best we can all of the statutes and provisions of law which will be affected by the change in the age of majority before the change in the age of majority is voted by the legislature. It is this process of sorting and identification which has taken the bulk of the time of the members of your Study Committee.

Fortunately, the office of Legislative Services was able to provide us with computer print-outs of all the statutes which refer to such terms as "age of majority", "minor", "adult", "lawful age", etc. The computer found for the Committee something over 1000 sections of the Revised Statutes Annotated through this search technique.

The Committee then read each section for content and categorized each such section as follows:

1. A substantial number of sections were simply not applicable in that some of the key words used in the computer search were too inclusive. For example, the computer printed out a number of statutes dealing with *majority* parties. The

computer also printed out a number of statutes where the effective age involved is already less than 18. Statutes in this category have been ignored and are excluded from this report.

2. A second category of statutes studied are those where the meaning of the law will be changed by lowering the age of majority, but where no change in the wording of the particular provision is called for. For example, many statutes simply refer to "minors" without referring to any specific age. Such sections of the RSA are listed in Appendix A of this report.

3. A third category which was identified by the Study Committee are those statutes where a re-writing of the provision is called for to bring it in line with a general reduction in the age of majority. A simple example of this type of statute is one which prohibits a person from doing something until he has reached 21 years of age. In such a case, the words "twenty-one" should be stricken and the word "eighteen" inserted in the statute. Other statutes which fall in this category involve more complicated re-drafting. The statutes which fall in this category are listed in Appendix B of this report.

4. Another category of statutes which the Committee identified is those statutes where the effective legal age is already 18. Naturally, no action is required with respect to such statutes, but the Committee felt it was important to list these provisions for illustrative and historical purposes. They are attached hereto as Appendix C.

5. Finally, the Committee attempted to identify those statutes in Appendices A and B which might be controversial or call for special attention by the legislature. Such statutes are listed in Appendix D.

Obviously, the Committee cannot guarantee that it has identified all of the statutes that might conceivably be affected by a change in the age of majority or all of the statutes which some individual legislator might consider to be controversial. However, the Committee feels that we have probably identified all but a very small fraction of such laws.

A bill will be introduced by Senator Porter in the Senate which will include all of the changes called for under Appendix B as well as a general "catch-all" provision to cover those statutes which may have been missed by the Committee and the so-called "common law" or case law which is not computerized.

The Committee gratefully acknowledges the substantial contribution which was made to the Committee's work by Mr. Robert T. Wilkins, of New London, New Hampshire, an unpaid volunteer aide to the Study Committee, who did a great deal of the initial sorting and identification of statutes for the Committee.

It should be pointed out that this is not a unanimous report. One member of the Study Committee would favor a lowering of the age of majority only in certain limited areas. Also, one or more of the Committee members would favor making one or two exceptions to the general reduction in the age of majority in such matters as the consumption of alcoholic beverages. However, it was the feeling of the entire Committee that this report would provide the legislature with maximum flexibility in deciding how far it wishes to go at this time in lowering the age of majority.

Finally, the Committee wishes to point out the idea of the lowering the age of majority to 18 is not the property of any particular administration, individual or party. It is a change which has been urged by both the former and present governors and by many individuals and groups in and out of the legislature of both parties. This report is the product of what the Committee felt was its charge from the House of Representatives.

Respectfully submitted,

David Hammond Bradley, Chairman  
William T. Andrews  
Martha McD. Frizzell  
Daniel J. Healy  
Doris J. Riley

SUPPLEMENT TO THE REPORT  
OF THE INTERIM STUDY COMMITTEE  
ON LOWERING THE AGE OF MAJORITY

The report of the Interim Study Committee on Lowering the Age of Majority was printed in the House Journal for January 23, 1973. Because of the length of the appendices to the report, the appendices were not printed. Appendix D to the report contains a listing of those provisions in the law which one or more members of the Interim Study Committee felt

would be controversial or should receive the special attention of the legislature.

The following is an attempt to amplify the contents of Appendix D to the report in a way which will be most meaningful to the legislature. The effect of a wholesale change in the age of majority to eighteen is briefly summarized for each such provision.

RSA 159:12, Would lower age at which one can buy pistols and revolvers from twenty-one to eighteen.

RSA 164-A:1, Would lower age at which a person can establish residence for welfare purposes from 21 to 18.

RSA 167:6V, Would remove from eligibility for aid to families with dependent children persons 18 to 21 who are students regularly attending a school.

RSA 169, Will require re-thinking and re-writing entire chapter on disposition of neglected and delinquent children once they have turned 18.

RSA 175:6A&B, Would lower age at which alcoholic beverages could be sold to minors from 21 to 18.

RSA 175:8,8a&8b, Would lower age at which persons can handle alcoholic beverages from 21 to 18.

RSA 181:15, Would lower age at which one can obtain a permit for the sale/manufacture of beer from 21 to 18.

RSA 186-A:2&6, Would lower age at which one is eligible for special education by reason of being handicapped.

RSA 189:1-a, Would lower age of eligibility for free public education from 21 to 18.

RSA 214:9, Would lower age of required companion for youthful hunters from 21 to 18.

RSA 214:23-a, Would lower age at which certificate of competency is required for hunters from 19 to 18.

RSA 262:40-a, Would lower age at which a person can transport alcoholic beverages from 21 to 18.

RSA 263:29, Would lower age at which one can be a school bus driver from 21 to 18.

RSA 269-b:11, Would lower age of supervisor of youthful snowmobile operators from 21 to 18.

RSA 270:30, Would lower age of supervisors of youthful of motor boats from 21 to 18.

RSA 281:22, Would lower age of eligibility for compensation on the Workmen's Compensation Law from 21 to 18.

RSA 284:21-h, Would lower age of persons to whom Sweepstakes Tickets can be sold from 21 to 18.

RSA 284:33, Would lower age at which one can participate in pari-mutuel betting from 21 to 18.

RSA 460:22, Would lower the age at which a disabled child is entitled to support from his parents from 21 to 18.

RSA 553:14, Would lower age at which one could be appointed as administrator of an estate from 21 to 18.

RSA 621:14, Would remove all persons 18 to 21 from the custody of the industrial school.

RSA 651:5, Would lessen the ability of persons 18 to 21 to have prior criminal records annulled.

unspecified, Would allow 18 year olds to become Justices of the Peace and to perform marriage ceremonies.

unspecified, Would allow 18 year olds to serve on juries.

unspecified, Would allow 18 year olds to become guardians of persons under 18.

unspecified, Would allow 18 year olds to hold any state or local office except that of state senator and governor.

unspecified, Would allow 18 year olds to establish legal residence separate from their parents (with particular reference to the problem of out-of-state students claiming residency for in-state tuition purposes at UNH).

David Hammond Bradley  
*For the Committee*

#### COMMITTEE CHANGES

Grady, Emmett J. from Statutory Revision



Richardson, Mabel L. from Liquor Laws

Richardson, Harriet W. B. from Labor to Liquor Laws

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Rep. Helen F. Wilson is celebrating a birthday today.

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On motion of Rep. Canney the House adjourned at 4:33 p.m.

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### *Wednesday, 24Jan73*

The House met at 11:00 o'clock.

Prayer was offered by Rep. Barrus, Chaplain of the Sullivan County Home.

God of Our Fathers, under whose hand our State and our Nation have been guided through the years, in periods of war and turmoil, in times of peace and prosperity, grant that we may in humility still seek Thy presence.

Endow us with the wisdom from on high that we may be able to faithfully carry out the important duties incumbent upon us. Fill us with Thy Spirit that our service may bring justice to the people, honor to the State of New Hampshire and to the United States of America, and Glory to Thy Holy Name. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Nims led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Anthony Stevens, C. Edwin Howard, Dwyer, Gabriel and David T. Sullivan, the day, important business.

Rep. Drake, today and tomorrow, important business.

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#### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 262 through 271 and House Joint Resolution number 9 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's & HJR

### First, second reading & referral

HB 262, changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase of the Concord Clinic and parking area on Pillsbury Street. (Bigelow of Merrimack Dist. 3 — To Appropriations.)

HB 263, repealing the statute relative to sewage disposal systems on islands. (Hoar of Rockingham Dist. 8 — To Resources, Recreation and Development.)

HB 264, relative to driveway access to Class I, II and III highways. (Hanson of Merrimack Dist. 5 — To Public Works.)

HB 265, relative to the commitment of children to the industrial school for an offense. (Haller of Merrimack Dist. 14, Shea of Hillsborough Dist. 28 — To Judiciary.)

HB 266, relative to salary increases upon certification and eligibility for certification of certain medical personnel. (Nighswander of Belknap Dist. 2 — To Executive Departments and Administration.)

HB 267, relative to the elements of crime which would constitute murder in the first degree, the penalty for which is punishable by death or life imprisonment without parole for twenty-five years. (Cote of Hillsborough Dist. 28 — To Judiciary.)

HB 268, relative to the registration fees for snow traveling vehicles. (Murray of Belknap Dist. 9 — To Resources, Recreation and Development.)

HB 269, to allow firemen to collect workmen's compensation if incapacitated by a heart or lung condition. (Merrill of

Grafton Dist. 14 — To Labor, Human Resources and Rehabilitation.)

HB 270, relative to county elections and vacancies of county offices. (Merrill of Grafton Dist. 14 — To Municipal and County Government.)

HB 271, providing that lump sum payments under workmen's compensation shall include reasonable attorney's fees. (Merrill of Grafton Dist. 14 — To Labor, Human Resources and Rehabilitation.)

HJR 9, relative to the rule making power of the National Highway Traffic Safety Administration. (Pryor of Coos Dist. 7, De Cesare of Rockingham Dist. 5, Johnson of Cheshire Dist. 3, Curran of Grafton Dist. 1, Bradley of Grafton Dist. 5 — To Transportation and Aeronautics.)

#### ENROLLED BILLS REPORT

HB 154, increasing the debt limit for the Gilford school district.

Mabel L. Richardson  
For the Committee

On motion of Rep. Wayne E. Helie, the House adjourned at 11:08 a.m. to meet tomorrow at 11:00 o'clock.

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*Thursday, 25Jan73*

The House met at 11:00 o'clock.

#### JOINT CONVENTION

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

Lord, Our God, in the name of all who live on earth and with Jesus Christ, Your Son, and in His spirit, we commend to You, Your servants, Harry Truman and Lyndon Johnson.

In prayer to You we remember these two men who have left behind a long legacy of accomplishments, accomplishments that benefitted this country and indeed the whole world.

We thank You, O God, for Harry Truman and Lyndon Johnson. In great measure, they made us what we are today.

We ask also, that You may grant us the same spirit that animated these two men so that following in their footsteps we may be men and women of peace, of principle and of courage. Amen.

### PLEDGE OF ALLEGIANCE

His Excellency, Governor Thomson led the Convention in the Pledge of Allegiance.

### A PROCLAMATION

In Memory of Lyndon Baines Johnson

*Whereas*, on January 22, 1973, Lyndon Baines Johnson, 36th President of the United States, died in Texas; and

*Whereas*, America during the term of his Presidency enjoyed unprecedented progress at home and courageously and honorably defended our obligations abroad; and

*Whereas*, on Thursday, January 25, 1973, appropriate memorial services for the late President will be held in Washington, D. C.; and

*Whereas*, at eleven o'clock in the morning on Thursday, January 25, 1973, the New Hampshire House of Representatives and Senate shall convene in joint session for an appropriate memorial service to the late President.

*Now, Therefore*, I, Meldrim Thomson, Jr., Governor of the State of New Hampshire do hereby proclaim Thursday, January 25, 1973, as a day for appropriate mourning and prayer for Lyndon Baines Johnson and hereby call upon all our citizens to lower their flags to half mast until February 21, 1973. I further call upon all of our citizens to join with me in appropriate ceremonies and religious services in honor of one who bravely carried the nation's burden in the defense of freedom.

Given at the Executive Chambers in Concord, this twenty-fourth day in January in the year of Our Lord one thousand nine hundred and seventy-three.

Meldrim Thomson, Jr.  
Governor

The clerk read the Proclamation in full.

Sen. Spanos addressed the Convention as follows:

Mr. Speaker, Mr. President, Your Excellency Governor Thomson, my colleagues in the House and Senate, Reverend Clergy, distinguished guests, ladies and gentlemen:

Inadequate I am to find the words.

And so, rather than misjudge the life and times of Lyndon Baines Johnson, and to truly reflect and convey the essence of this man's spirit, I have turned to his own writings for the words.

The 36th President of the United States wrote:

"When I was young I often walked out at night and looked at the scattered Texas sky.

As a boy in those still nights I wondered what those heavens had seen, what they would see, and what they might bring to me.

The world has turned many times since then.

But still, at evening, I sometimes look across the great city where I live and dream the same dreams and ask the same questions.

Just as most people do, I sit and think of today's events and tomorrow's problems. I feel glad in my family and concerned for my children.

It is then I remember the men who captured my native soil from the wilderness. They endured much so that others might have much. Their dream was for the children. Mine, too, is for the child even now struggling toward birth.

What will the observing sky say of the world we have built for him?

I want all the ages of man to yield him their promise.

The child will find all knowledge open to him.

The growing boy will shape his spirit in a House of God, and his ways in the house of his family.

The young man will find reward for his work, and feel pride in the product of his skills.



The man will find leisure an occasion for the closeness of family and an opportunity for the enrichment of life.

The citizen will enrich the nation — sharing its rule, walking its streets, adding his views to its counsel — secure always from the unjust and arbitrary power of his fellows.

The least among us will find contentment, and the best among us can find greatness. All of us will respect the dignity of the one and admire the achievements of the other.

At the end of the journey he will look back and say: I have done all a man could do — built all, shared all, experienced all.

And man shall say to man: There, on this earth, as in the eyes of God, walks my brother.

This is my dream.

It is not the grand vision of a powerful and feared nation. It concerns the simple wants of people.

But this is what America is all about.

All the rest — the power and wealth, the life of freedom and the hopes for peace, the treasured past and the uncertain future — will stand or fall on this.

Reality rarely matches dream. But only dreams give nobility to purpose.

This is the star I hope to follow — which I know most of you have seen, and which I first glimpsed many years ago in the Texas night."

Vaya con Dios, Mr. President. Vaya con Dios.

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Prayer was offered by the Rev. William J. Clark of Antrim.

The legislation of living, O God, is in Your hands and we are but the instruments through whom Your will is set forth. Temper our spirits then, we ask, that we may be capable of doing the work for which we are ordained. Let the wisdom of Your truth prevail in every deliberation of this assembly, that platitudes may give way to principle and rightness over dominate reason.

As we this day give tribute to our late President, Lyndon

Baines Johnson, we are grateful that through the lens of time we catch the true magnitude of a man. Grant us understanding of the true meanings of his ambitions by which he sought to lead our country for the common good of all. Give to his family the strength of Your presence and may Your comfort give them consolation.

We earnestly pray that the shadow of peace, under which we now stand, may lengthen across the world gathering all into the family fraternity for which we were created.

Let the power of Your purpose uphold us as we go along life's way. May all that we do be directed to Your praise, raising the level of our living to the pinnacle of Your blessing in our State, our Nation and for mankind everywhere. Amen.

Rep. Coutermarsh addressed the Convention as follows:

### HARRY S TRUMAN

33rd President of the United States

Born May 8th, 1884. Elected President, April 12, 1945. Died Dec. 26, 1972 at the age of 88.

What kind of man was this, that rose from the most humble kind of beginning, as the operator of a haberdashery in the heart of America, to the presidency of the United States.

Above and perhaps most important of all, the man from Independence, was known by both friend and foe, as a common man, and a true friend of little people, and last but not least as a man possessed of deep humility and courage.

President Nixon said, Harry S Truman will be remembered as one of the most courageous presidents in our history, who led the nation and the world through a critical period, with exceptional vision and determination, our hopes today for a generation of peace rest in large measure on the firm foundation that he laid.

Vice President Spiro T. Agnew said, "Among the talents that Harry Truman brought to the presidency, were two indispensable qualities of a great leader, forthrightness, and courage."

The sign on his desk, The Buck Stops Here, was no idle boast.

But in an office of great power, he never lost the humility that endeared him to the millions as simply the man from Missouri.

Former President Lyndon B. Johnson said, "A 20th century giant is gone, few men of any times ever shaped the world as did the man from Independence."

President Truman presided over the destiny of this nation during one of its most turbulent eras, never flinching in the face of crucial national choices, his decisions changed the course of human events.

Few, if any men, ever had greater responsibility thrust upon them, than that which confronted Harry S Truman on the presidency he assumed on April 12th, 1945, with the tragic death of Franklin D. Roosevelt.

With the United States and the free world engaged in the greatest conflict of all time, and with Hitler and Japan challenging the very foundations of democracy itself.

The man from Missouri provided the courage, wisdom and leadership to win and secure the peace.

Perhaps no other president ever had more difficult decisions to make in so short a time, the use of the Atom Bomb to end World War II, the commitment of American troops to Korea to stem the tide of Communism, the recall of General Douglas MacArthur when he challenged civil authority, the implementation of the Truman doctrine and the Marshall Plan.

On the political scene, Harry Truman in 1948, again demonstrated that quality of courage when he defeated Thomas E. Dewey of New York for the Presidency, in what is considered by many political experts as the biggest political upset in history.

History now knows that after the completion of this term of president, Harry Truman, the friend of the little people, and the common man, returned to Independence, Missouri to reside among his friends and neighbors, as the elder statesman of his party until his recent death on Dec. 26, 1972.

Republican Senator George D. Aiken of Vermont perhaps states better than all others the man that Truman really was.

Who said "I have great admiration for Truman, particularly, because he was a fighter.

He didn't give up when he was supposed to be licked.

He typified true democracy, the right and ability to rise from the level of the farm and shop to the highest office in the land.

He had courage and dared do the unpopular thing when he felt such action was in the best interest of the country.

I hope the time will never come when our country has no Harry Truman."

Prayer was offered by Senate Chaplain, Rev. Dr. Vincent Fischer.

Let us pray for the repose of the soul of Thy servant Lyndon Baines Johnson and that his memory and works will live on in the hearts and minds of those who knew him and loved him.

May the peace of God which passes all understanding keep our hearts and minds in the knowledge of God and His Son Jesus Christ our Lord. The Blessing of God Almighty, the Father, the Son and the Holy Ghost be upon us and abide with us always. Amen.

## RESOLUTIONS

Sen. Spanos and Reps. Vachon and Milne offer the following:

*Whereas*, the Senate and House of Representatives were not in session when Harry S Truman, 33rd President of the United States, died December 26, and

*Whereas*, the nation's official mourning period for President Truman is drawing to a close, and

*Whereas*, in his service to the nation as soldier, jurist, U. S. Senator, Vice President and President, President Truman consistently exhibited those traits of character held in high regard by every American — courage, loyalty, integrity, persistence, and most of all, forthrightness, and

*Whereas*, when the burden of Presidential authority was thrust upon him, President Truman rose and met the challenges occasioned by a world-wide conflict, its termination, and the transition to the postwar peace, and

*Whereas*, President Truman guided the nation with distinction through the postwar era, bearing the responsibility of this nation's involvement with atomic energy, United Nations, Marshall Plan, the North Atlantic Treaty Organization and the Korean Conflict, and therefore be it

*Resolved*, that we, the Members of the Senate and House of Representatives in General Court convened, do hereby pay tribute to his services to his nation and homage to his memory, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his widow, Mrs. Harry S Truman.

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Unanimously adopted by a rising vote and a minute of silent prayer.

## RESOLUTIONS

Sen. Spanos and Reps. Vachon and Milne offered the following:

*Whereas*, it is with deep sorrow that we mourn the passing of our 36th President, Lyndon Baines Johnson, and

*Whereas*, the career of President Johnson, from an austere Texas childhood to schoolteacher, member of Congress, U.S. Senator, Senate Majority Leader, Vice President and President, is an outstanding example of the opportunity this country provides its citizens, and

*Whereas*, President Johnson served his country as a strong leader for civil rights, working tirelessly to promote humanitarianism, thereby giving dignity to every American, and

*Whereas*, President Johnson dedicated his administration to the overpowering task of preserving the peace of the world according to democratic ideals through strength at home and statesmanship abroad, and

*Whereas*, President Johnson's accomplishments in the domestic field of civil rights, social insurance, education and housing earned him a place in the hearts of his fellowman, therefore be it

*Resolved*, that we, the Members of the Senate and House



of Representatives in General Court convened, do hereby pay tribute to his services to his nation and homage to his memory, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to his widow, Mrs. Lyndon B. Johnson.

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Unanimously adopted by a rising vote and a minute of silent prayer.

On motion of Sen. Spanos and Reps. Vachon and Coutermarsh the Convention rose.

## HOUSE

### LEAVES OF ABSENCE

Rep. C. Edwin Howard, indefinite, illness.

Reps. Junkins, Ames and Bernard, the day, illness.

Reps. Gorman, Roger Warren and Lemire, the day, important business.

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 272 through 280 and House Joint Resolution number 10 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & HJR

First, second reading & referral

HB 272, increasing the sum paid for care of mentally ill persons in foster homes. (Rich of Merrimack Dist. 18 — To Public Health and Welfare.)

HB 273, to prohibit motorboats using petroleum products as a propellant, from using the waters of Eastman or Anderson ponds. (Townsend of Sullivan Dist. 1 — To Resources, Recreation and Development.)

HB 274, to place a bounty on eastern coyotes (*canis latrans*). (Boucher of Rockingham Dist. 3 — To Fish and Game.)

HB 275, to exempt from the tobacco tax sales to residents of the New Hampshire home for the elderly. (Anderson of Grafton Dist. 7 — To Ways and Means.)

HB 276, to transfer certain costs of the superior court from the counties to the state, and making an appropriation therefor. (Maynard of Rockingham Dist. 18 — To Judiciary.)

HB 277, providing for a privilege for reporters. (Close of Cheshire Dist. 15, Rock of Hillsborough Dist. 16 — To Judiciary.)

HB 278, providing for overtime payment for the inspectors in the office of the state fire marshal. (Scamman of Rockingham Dis. 15 — To Executive Departments and Administration.)

HB 279, to reclassify a certain section of highway in the town of Auburn. (Davis of Rockingham Dist. 2 — To Public Works.)

HB 280, relative to state registration certificates for airmen. (Nutt of Grafton Dist. 13, Townsend of Sullivan Dist 1, Coutermarsh of Hillsborough Dist. 24 — To Transportation.)

HJR 10, providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling. (Greene of Rockingham Dist. 17 — To Appropriations.)

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Rep. Parr moved that the Proclamation and the remarks of Sen. Spanos and Rep. Coutermarsh be printed in the Journal and sent to the families of Harry S Truman and Lyndon Baines Johnson.

Unanimously adopted.

#### VACATES

Rep. Arthur F. Mann moved that the House vacate the reference of HB 226, an act relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways, to the

committee on Public Works and re-refer said bill to the committee on Transportation.

Adopted.

Rep. Arthur F. Mann moved that the House vacate the reference of HB 223, an act prohibiting the assessment of a mileage charge on telephone subscribers, to the committee on Public Works and re-refer said Bill to the committee on Statutory Revision.

Adopted.

Rep. Merrill moved that the House vacate the reference of HB 242, relative to five percent interest on tenant's security deposit, to the committee on Judiciary and re-refer said Bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

Rep. Nutt moved that the House vacate the reference of HB 195, relative to semi-annual collection of taxes in cities and towns, to the committee on Ways and Means and re-refer said Bill to the committee on Municipal and County Government.

Adopted.

## COMMITTEE REPORTS

### HB 77

relative to restricting the state from incurring indebtedness by legislation. Inexpedient to legislate. Rep. Drake for Appropriation.

Resolution adopted.

### HB 108

providing for the elimination of soft matches in state-federal financed activities. Inexpedient to legislate. Rep. Drake for Appropriations.

Resolution adopted.

### HJR 2

providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards. Ought to pass. Rep. Drake for Appropriations.

Ordered to third reading.

## SUSPENSION OF RULES

Rep. Weeks moved that the rules of the House be so far suspended as to place HJR 2 on third reading and final passage by caption only at the present time.

Rep. Weeks explained her motion.

Adopted by the necessary two-thirds.

## Third reading and final passage

HJR 2, providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards.

## COMMITTEE REPORTS CONTINUED

**HB 35**

relative to the distribution of court reports to various officers and bodies. Ought to pass. Rep. Cobleigh for Executive Departments and Administration.

Ordered to third reading.

**HB 36**

relative to the notification of foreign corporations of suspension for nonpayment of fees. Ought to pass. Rep. Cobleigh for Executive Departments and Administration.

Ordered to third reading.

**HB 37**

relative to filing first annual returns by corporations. Ought to pass. Rep. Cobleigh for Executive Departments and Administration.

Ordered to third reading.

**HB 149**

replacing the present three man liquor commission with one commissioner. Inexpedient to legislate. Rep. McLane for Executive Departments and Administration.

Withdrawn by sponsor.

Resolution adopted.

**HB 46**

relative to the mode of hunting deer in the town of Chester. Ought to pass. Rep. Chamberlin for Fish and Game.

Ordered to third reading.

**HB 90**

relative to removing the limit on horned pout. Ought to pass with amendment. Rep. Simmons for Fish and Game.

**AMENDMENT**

Amend section 1 of the bill by striking out in line two after the word "repealed" the following (The director of fish and game may not make regulations relative to taking of horned pout.) so that said section as amended shall read as follows:

1 Limit on Horned Pout. RSA 211:16-a, relative to the limit on taking horned pout, is hereby repealed.

Amendment adopted.

Ordered to third reading.

**HB 105**

relative to setting traps for the taking of fur-bearing animals. Ought to pass. Rep. Chamberlin for Fish and Game.

Rep. Sabbow moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Rep. Chamberlin spoke against the motion.

Rep. Chris K. Andersen requested an explanation.

Rep. Maynard explained the bill.

Rep. Sabbow requested a division.

It being manifestly in the negative, the motion lost.

Ordered to third reading.

**HB 113**

relative to taking fresh water smelt by bait dealers. Ought to pass. Rep. Chamberlin for Fish and Game.

Ordered to third reading.



**HB 39**

relative to the prohibition of county commissioners from simultaneously holding any other county office. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1975.

Amendment adopted.

(discussion)

Ordered to third reading.

**HB 42**

providing that children shall be exempt from compulsory immunization with parental objection. Inexpedient to legislate. Rep. Roma A. Spaulding for Public Health and Welfare.

Resolution adopted.

**HB 32**

providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection. Ought to pass with amendment, Rep. Hackler for Public Works.

**AMENDMENT**

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Reports. Amend RSA 242-A by inserting after section 3 the following new section:

242-A:3-a Inspection and Report. As a further prerequisite to application for state bridge aid funds an inspection and report shall be made by, or under the supervision of, a registered professional engineer experienced in bridge design and acceptable to the commissioner of public works and highways.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

#### **HB 119**

relative to refurbishing old roads and trails and making an appropriation therefor. Ought to pass. Rep. Fortier for Public Works.

Referred to Appropriations.

#### **HB 124**

to reclassify a certain section of highway in the town of Jaffrey. Ought to pass with amendment. Rep. Belair for Public Works.

### **AMENDMENT**

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Transfer of Funds. Such sums as may have been apportioned by the state together with an equal amount raised by the town for construction of the above named road as a Class II highway shall be transferred to the town road aid account for the town of Jaffrey and made available for expenditure on this highway and expended under the supervision of the commissioner of public works and highways.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

#### **HB 18**

providing for absentee voting at the annual meetings in the Town of Barnstead. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Withdrawn by sponsor.

Resolution adopted.

**HB 114**

prohibiting persons from seeking or holding the position as a member of the general court and county commissioner at the same time. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Rep. Merrill moved that HB 114 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Russell C. Chase and Daniell spoke against the motion.

Reps. Bednar and Richard L. Bradley spoke in favor of the motion.

Rep. Boisvert moved the previous question on the pending motion.

Adopted.

A division was requested.

118 members having voted in the affirmative and 180 in the negative the motion lost.

Ordered to third reading.

**HB 116**

making town meeting day a legal holiday. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Resolution adopted.

**HB 118**

relative to counting ballots in the case of nominees of more than one party. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Resolution adopted.

**HB 97**

relative to passenger vehicle safety. Inexpedient to legislate. Rep. Hamel for Transportation.

Inexpedient at request of sponsor. Federal regulations will accomplish the same purpose.

Resolution adopted.

SENATE MESSAGE  
INTRODUCTION OF SENATE BILL

First, second reading & referral

SB 39, to enable the city of Berlin to provide ambulance service to adjoining towns.

SUSPENSION OF RULES

Reps. George B. Roberts, Jr. and Coutermarsh moved that the rules of the House be so far suspended as to dispense with committee reference, hearing and advertising in Calendar on SB 39, to enable the city of Berlin to provide ambulance service to adjoining towns, and permit the bill to be taken up at the present time.

Reps. Coutermarsh, Roberts and Oleson spoke in favor of the motion.

Adopted by the necessary two-thirds.

SUSPENSION OF RULES

Reps. George B. Roberts, Jr. and Coutermarsh moved that the rules of the House be so far suspended as to place SB 39 on third reading and final passage by title only at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

SB 39, to enable the city of Berlin to provide ambulance service to adjoining towns.

SUSPENSION OF RULES

Rep. Roma A. Spaulding moved that the rules of the House be so far suspended as to permit a hearing on HB 228, relative to requirements for renewal of chiropractors license, without two days advertising in the Calendar.

Rep. Chris K. Andersen explained the motion.

Adopted by the necessary two-thirds.

RESOLUTIONS

Reps. William F. Kidder and Arthur E. Thompson offered the following:

*Whereas*, we have learned with sorrow of the death of Ernest Stuart, former Representative from Wilmot, and

*Whereas*, Ernest Stuart served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Ernest Stuart and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### RESOLUTIONS

Members of the Salem Delegation offered the following:

*Whereas*, we have learned with sorrow of the death of John J. Grant, former Representative from Salem, and

*Whereas*, John J. Grant served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of John J. Grant and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### QUALIFIED

On January 24, 1973, the following Representatives-elect appeared before the Governor and Council and were sworn into office:

William L. Yardley, Roxbury  
Cheshire County District No. 9

William F. Barrett, Manchester — Ward 5  
Hillsborough County District No. 29

Barbara J. Underwood, Concord — Ward 5  
Merrimack County District No. 18



John A. Beckett, Durham  
Strafford County District No. 4

Edward C. Kelley  
Deputy Secretary of State

On motion of Rep. George B. Roberts, Jr. the House adjourned from the early session and the Rules of the House were so far suspended as to permit reading of bills by title only, and that when the House adjourns today it be to meet Tuesday next at 1:00 p.m.

#### LATE SESSION

##### Third reading and final passage

HB 35, relative to the distribution of court reports to various officers and bodies.

HB 36, relative to the notification of foreign corporations of suspension for nonpayment of fees.

HB 37, relative to filing first annual returns by corporations.

HB 46, relative to the mode of hunting deer in the town of Chester.

HB 90, relative to removing the limit on horned pout.

HB 32, providing for qualification of bridge inspectors, making bridge inspection a prerequisite for application for bridge aid, and requiring state assistance in bridge inspection.

HB 105, relative to setting traps for the taking of fur-bearing animals.

HB 113, relative to taking fresh water smelt by bait dealers.

HB 39, relative to the prohibition of county commissioners from simultaneously holding any other county office.

HB 114, prohibiting persons from seeking or holding the position as a member of the general court and county commissioner at the same time.

#### RECONSIDERATION

Rep. Hall moved Reconsideration of HB 114.

Reconsideration lost. \_\_\_\_\_

On motion of Rep. Lawton the House adjourned at 1:29 p.m. to meet Tuesday next at 1:00 p.m.

*Tuesday, 30Jan73*

The House met at 1:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord**, if I am really serious when I say to You, "Lord of my Life," then I cannot be careless now. You must be ever with me. I ask that Your good Spirit strengthen and assist me as I work in this House. Amen.

PLEDGE OF ALLEGIANCE

Rep. Hanson led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Arthur F. Mann, Grady, James E. O'Neil, Sr., Canney, Drew, Aubut, Plumer, Peter N. Chasse, and Bernard, the day, illness.

Rep. Cobleigh, today and tomorrow, illness.

Reps. Brungot and Migneault, the week, illness.

Rep. Bell, indefinite, illness.

Reps. McDonough, and Charles B. Roberts, the day, important business.

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RESOLUTION

Rep. George B. Roberts, Jr. offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 281 through 287 and House Joint Resolutions numbered 11 through 13 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's &amp; HJR's

## First, second reading and referral

HB 281, relative to the sale of liquor at non-state owned ski areas. (Williamson of Sullivan Dist. 9 — To Joint Committee on Resources, Recreation and Development and Liquor Laws.)

HB 282, relative to the examining and training procedures for real estate salesmen and brokers. (Splaine of Rockingham Dist. 19, O'Connor of Strafford Dist. 15 — To Executive Departments and Administration.)

HB 283, providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor. (Krainak of Grafton Dist. 12, Gemmill of Grafton Dist. 10 — To Resources, Recreation and Development.)

HB 284, increasing the fireman's relief fund. (Bigelow of Merrimack Dist. 3, Vachon of Hillsborough Dist. 33, Roberts of Belknap Dist. 4 — To Banks and Insurance.)

HB 285, relative to the taking of deer and the open season for deer. (Huggins of Coos Dist. 1 — To Fish and Game.)

HB 286, relative to the taking of clams from the ocean waters of New Hampshire. (Parr of Rockingham Dist. 12, Chamberlin of Grafton Dist. 2 — To Fish and Game.)

HB 287, prohibiting competitive food sales during regular scheduled lunch hours on public school property. (Sherman of Merrimack Dist. 2 — To Education.)

HJR 11, appropriating funds to the New Hampshire American Revolution Bicentennial Commission. (Hamel of Rockingham Dist. 11, Gordon of Cheshire Dist. 8, Gemmill of Grafton Dist. 10 — To Appropriations.)

HJR 12, appropriating funds to the towns of Pittsburg and Clarksville in lieu of taxes on Murphy Dam on Lake Francis. (Metcalf of Coos Dist. 1, Huggins of Coos Dist. 1 — To Appropriations.)

HJR 13, providing an appropriation for Mrs. Frances Scott. (Cushman of Merrimack Dist. 9 — To Claims, Military and Veterans Affairs.)

## RESIGNATION

January 26, 1973

James E. O'Neil, Speaker  
General Court, State House

Dear Mr. Speaker,

It is with considerable regret that I must tender my resignation as a representative from Strafford County District No. 2. This resignation to become effective immediately.

The sudden decision to resign is prompted by pressure of business, also for health reasons. Due to these circumstances I feel that I could not do justice to the people of New Hampshire and Strafford County District 2 on a part-time basis.

I extend my sincere thanks to you and others in the Court who made my brief debut in the New Hampshire House of Representatives a pleasant one.

I will return my legislative plates to the Sergeant-at-Arms, forthwith.

Respectfully yours,

Robert B. Hunt, Representative  
6 Pearson Street  
Farmington, New Hampshire

## SENATE MESSAGES

## INTRODUCTION OF SENATE BILLS

First, second reading & referral

SB 2, to provide partial exemption from real estate taxes for persons sixty-five years of age or older, and complete exemption from real estate taxes for persons seventy years of age or older, under certain circumstances. Ways and Means.

SB 30, requiring the separate listing of homestead residence property. Municipal and County Government.

SB 31, providing for the establishing of May 30th as Memorial Day and Nov. 11th as Veterans Day in the state of New Hampshire. Statutory Revision.

## ENROLLED BILLS REPORT

SB 39, to enable the city of Berlin to provide ambulance service to adjoining towns.

Rep. Mabel L. Richardson

*For the Committee.*

## COMMITTEE REPORTS

**HB 78**

authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire bank. Ought to pass. Rep. Bigelow for Banks and Insurance.

Permits faster liquidation of an insolvent bank.

Ordered to third reading.

**HB 47**

relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home. Ought to pass. Rep. Gerry F. Parker for Claims, Military and Veterans Affairs.

Ordered to third reading.

**HJR 1**

in favor of Otis Barr for the death of a cow and making an appropriation therefor. Inexpedient to legislate. Rep. Gerry F. Parker for Claims, Military and Veterans Affairs.

Rep. George B. Roberts, Jr. spoke against the committee report.

Reps. Bednar, Elmer S. Wiggins, Twigg, and Chris K. Andersen spoke in favor of the committee report.

(discussion)

Rep. White moved that HJR 1, in favor of Otis Barr for the death of a cow and making an appropriation therefor, be recommitted to the Committee on Claims, Military and Veterans Affairs, and spoke in favor of the motion.

(discussion)

Rep. George B. Roberts, Jr. spoke in favor of the motion.



Rep. Gay spoke against the motion.

Motion lost.

Resolution adopted.

### **HB 38**

relative to the New Hampshire American Revolution Bicentennial Commission. Ought to pass with amendment. Rep. Noble for Executive Departments and Administration.

This bill authorizes the N. H. Bicentennial Commission to hire classified employees and the amendment makes the act take effect on passage.

(discussion)

### **AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon passage.

At the request of Rep. Lawton, Rep. Hamel explained the bill.

Amendment adopted.

Referred to Appropriations.

### **SUSPENSION OF RULES**

Rep. Vachon moved that the rules of the House be so far suspended as to permit the introduction of a committee report not previously advertised in the Calendar on HB 213, allowing Manchester to start its decennial verification of its checklist on February 1.

Adopted by the necessary two-thirds.

### **COMMITTEE REPORTS CONTINUED**

### **HB 213**

allowing Manchester to start its decennial verification of its checklist on February 1. Ought to pass. Rep. Vachon for the Manchester Delegation.

Ordered to third reading.

## SUSPENSION OF RULES

Rep. Vachon moved that the rules of the House be so far suspended as to place HB 213 on third reading and final passage by title only at the present time.

Adopted by the necessary two-thirds.

## Third reading and final passage

HB 213, allowing Manchester to start its decennial verification of its checklist on February 1.

## COMMITTEE REPORTS CONTINUED

## HB 45

relative to secretary of state transferring reports to state agencies to state library. Ought to pass. Rep. Palfrey for Executive Departments and Administration.

This bill provides that the secretary of state may transfer reports to the state library.

Ordered to third reading.

## HB 1

relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital. Ought to pass. Reps. Withington and Senter for Joint Committee on State Institutions and Executive Departments and Administration.

This bill provides that the director of mental health after consulting with the advisory commission on health and welfare and the commissioner of health and welfare will nominate two persons for the position of superintendent and that then from these two the governor and council will appoint a superintendent for a term of four years and in the event of a vacancy the new appointment shall be for a full four year term.

The bill provides for a new unclassified position of assistant superintendent for professional services appointed by the superintendent with the approval of the director and who shall be a physician-psychiatrist. His salary is established at a range from \$27,000 to \$29,000 and no term is specified for his appointment.

The bill also provides for the salary and for maintenance of the assistant superintendent for professional services.

Referred to Appropriations.

**HB 92**

providing that only buck deer can be taken in each odd year. Inexpedient to legislate. Rep. Patrick for Fish and Game.

Committee is opposed to bucklaw season as being too long.

Resolution adopted.

**HB 125**

relative to propagating or possessing for sale wild turkeys. Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

Prevents an inferior strain of turkeys in state.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Special License. Amend RSA 212 by inserting after section 25 the following new section: 212:25-a Special Permit to Propagate Wild Turkeys. No person shall propagate or possess, for sale or exchange, turkeys other than those of a domestic variety, except by special permit from the director.

Amendment adopted.

Ordered to third reading.

**HB 185**

relative to the charter of the town of Hanover. Ought to pass with amendment. Rep. Nutt for Hanover Delegation.

This act amends the charter of the town of Hanover to provide for a town manager and to permit the selectmen to borrow in anticipation of taxes. Amendment changes effective date to date of passage to allow referendum to be held at town meeting.

AMENDMENT

Amend the bill by striking out section 5 and inserting in place thereof the following new section:

5 Effective Date. Section 4 of this act shall take effect upon passage and the remainder of this act shall take effect if it is adopted as provided in section 4.

Amendment adopted.

Ordered to third reading.

#### **HB 6**

providing an alternate method of adopting zoning ordinances in towns and eliminating the provisions requiring two-thirds vote in certain instances. Inexpedient to legislate. Rep. Ezra B. Mann for Municipal and County Government.

Poorly drafted legislation which appears to be better covered in other pending bills.

Resolution adopted.

#### **HB 44**

to abolish the water commission in the town of Meredith and transfer its functions to the selectmen. Ought to pass. Rep. G. Winthrop Brown for Municipal and County Government.

This bill will provide, after vote of the town meeting for more efficient management of the Meredith Water Works.

Ordered to third reading.

#### **HB 94**

relative to public hearings on county budget hearings. Inexpedient to legislate. Rep. Benton for Municipal and County Government.

The intent of the addition to the existing statute is good, but the wording is ambiguous.

Resolution adopted.

#### **HB 95**

requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license. Ought to pass. Rep. Roma A. Spaulding for Public Health and Welfare.

Title self-explanatory.

Referred to Appropriations.

**HB 120**

relative to the maintenance of a certain section of highway in the city of Lebanon. Ought to pass. Rep. Galloway for Public Works.

Referred to Appropriations.

**HB 201**

changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge. Ought to pass. Rep. Ellis for Public Works.

Ordered to third reading.

**HB 58**

providing for optional notification to abutters by planning board of hearing on plats submitted. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Committee felt that, despite burden on planning boards, notification should err on the side of over rather than under notification.

Rep. Harvell moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Claflin spoke against the motion.

(discussion)

Rep. Daniell spoke in favor of the motion.

Rep. Bednar spoke against the motion.

Motion lost.

Resolution adopted.

**HB 102**

to provide for the repayment of the Vermont Grant for the Lebanon Regional Airport, and making an appropriation therefor. Ought to pass. Rep. Hamel for Transportation.

Fifteen years ago, New Hampshire agreed to repay to Vermont the money advanced for construction at Lebanon Airport. This bill would pay off the remaining balance (\$5926) out of interest received on emplaning fees held in an escrow account.

Referred to Appropriations.



**HB 104**

relative to changing the structure for determining aircraft registration fees. Ought to pass. Rep. Hamel for Transportation.

Revises wording of present law to agree with its interpretation by the Attorney General. Does not change the fees.

Ordered to third reading.

**HB 130**

relative to the rules of the road. Ought to pass. Rep. Hamel for Transportation.

Makes New Hampshire law conform with the Uniform Vehicle Code for traffic signals.

Ordered to third reading.

**HB 121**

relative to exemption from resident tax of members of the armed forces. Ought to pass with amendment. Rep. Splaine for Ways and Means.

The bill eliminates the existing requirement that a serviceman must certify his status as a full time member of the United States armed services to the selectmen before June first of the year in which the tax is assessed to be exempt from payment of resident taxes. The amendment only changes the word "his" to "the".

**AMENDMENT**

Amend the bill by striking out RSA 73:3-a and inserting in place thereof the following:

72:3-a Members of the Armed Forces. Any person serving as a full time member of the United States armed services, including the women's auxiliary service, shall be exempt from the payment of the residence tax.

Amendment adopted.

Ordered to third reading.

Rep. Cotton abstained from voting on HB 121 under Rule 16.

## VACATE

Rep. Hamel moved that the House vacate the reference of HB 268, relative to the registration fees for snow traveling vehicles to the committee on Resources, Recreation and Development and re-refer said Bill to the committee on Transportation.

Adopted.

## COMMITTEE CHANGE

Rep. Wuelper from Statutory Revision.

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## RESOLUTIONS

Rep. L. Waldo Bigelow, Jr. offered the following:

*Whereas*, Arthur L. Petell, Jr., Superintendent of Buildings and Grounds and his staff, worked beyond the call of duty in a dedicated effort to assist the legislative committee assigned to the responsibility of assigning committee rooms and supplying furnishings, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby take recognition of the services performed by Arthur L. Petell, Jr. and his staff, and we express our sincere thanks and gratitude to them, and be it further

*Resolved*, that a copy of these resolutions be transmitted to them.

Resolutions adopted by vv.

On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet tomorrow at 1:00 p.m.

## LATE SESSION

Third reading and final passage

HB 78, authorizing the bank commissioner with the con-

sent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire bank.

HB 47, relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home.

HB 45, relative to secretary of state transferring reports of state agencies to state library.

HB 44, to abolish the water commission in the town of Meredith and transfer its functions to the selectmen.

HB 201, changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge.

HB 185, relative to the charter of the town of Hanover.

HB 125, relative to propagating or possessing for sale wild turkeys.

HB 104, relative to changing the structure for determining aircraft registration fees.

HB 130, relative to the rules of the road.

HB 121, relative to exemption from resident tax of members of the armed forces.

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On motion of Rep. Frizzell the House adjourned at 2:55 p.m.

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*Wednesday, 31 Jan 73*

The House met at 1:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

Let us give thanks to the Lord, for He is good and His mercy is everlasting. Thank You for that mercy. Please God

remember You are my Father; remember to be merciful. Please, God, teach me to remember I am Your child; teach me to be merciful. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Vachon led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Peter N. Chasse, Cobleigh, and Drew, the day, illness.

Reps. James E. O'Neil, Sr. and Katherine K. Barrett, today and tomorrow, illness.

Reps. Plourde, Langdell and Wayne E. Helie, the day, important business.

Reps. Erickson and Parr, today and tomorrow, important business.

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### RESOLUTION

Rep. George B. Roberts, Jr. offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 288 through 297 and House Joint Resolutions numbered 14 and 15 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & HJR's

#### First, second reading & referral

HB 288, providing for reimbursement from the traffic safety fund to high school students taking private driver education courses. (Hamel of Rockingham Dist. 11 — To Transportation.)

HB 289, providing that banks which give mortgages on

real property may not levy a service charge against the seller of the property. (Andersen of Merrimack Dist. 15 — To Banks and Insurance.)

HB 290, to repeal RSA 187:30 relative to the suspension of limitation on non-residents of the state to be enrolled students at the state university. (Cote of Hillsborough Dist. 28 — To Education.)

HB 291, to exempt chiropractors from serving as jurors. (Andersen of Merrimack Dist. 15 — To Statutory Revision.)

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus. (Hamel of Rockingham Dist. 11 — To Resources, Recreation and Development.)

HB 293, relative to exemptions available for the New Hampshire property tax. (Hall of Hillsborough Dist. 12, Boisvert of Hillsborough Dist. 22, Howard of Merrimack Dist. 20 — To Ways and Means.)

HB 294, to require seat belts on amusement rides at carnivals, fairs and parks such as ferris wheels, rides called the whip or hammer and other similar or like rides. (Cobleigh of Hillsborough Dist. 17 — To Transportation.)

HB 295, amending the charter of the city of Claremont relative to compensation for the mayor and city council. (Burrrows of Sullivan Dist. 5 — To Special Committee on Claremont Delegation.)

HB 296, requiring accident and health insurers and all medical and hospital service corporations to pay claims in spite of payment by another company. (Murray of Belknap Dist. 9 — To Banks and Insurance.)

HB 297, relative to the standardization of reports of state agencies and distribution of state publications. (Benton of Rockingham Dist. 2 — To Executive Departments and Administration.)

HJR 14, relative to a supplemental appropriation for the board of nursing education and nurse registration. (Bruton of Hillsborough Dist. 28 — To Appropriations.)

HJR 15, relative to fire and rescue services provided by the town of Allentown at Bear Brook State Park. (Gamache of



Merrimack Dist. 7, Goff of Merrimack Dist. 7, Gordon of Merrimack Dist. 7, Plourde of Merrimack Dist. 7 — To Appropriations.)

## SENATE MESSAGE

### CONCURRENCE

HB 213, allowing Manchester to start its decennial verification of its checklist on February 1.

## ENROLLED BILLS REPORT

HB 213, allowing Manchester to start its decennial verification of its checklist on February 1.

Rep. Mabel L. Richardson  
*For The Committee*

## COMMITTEE REPORTS

### HB 160

increasing the lending limit of trust companies on real estate mortgages in New England. Ought to pass. Rep. Bigelow for Banks and Insurance.

Increases lending limit on notes secured by a first mortgage of trust companies relative to its capital and surplus from 70% to 100%.

Ordered to third reading.

### HB 41

relative to exempting steam locomotives and engines from the provisions of the air pollution control law. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Covered by SB 3.

Resolution adopted.

### HB 210

relative to exempting steam locomotives and engines from the provisions of the air pollution control law. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Covered by SB 3.

Resolution adopted.

**SB 3**

relative to exempting steam locomotives and engines from the provisions of the air pollution control law. Ought to pass with amendment. Rep. Greene for Environment and Agriculture.

This bill exempts from the provisions of the air pollution control law steam locomotives and engines used in connection with the operation of a railroad located entirely within the state. It does not apply to stationary steam engines, nor installations not in existence or on order prior to January 1, 1973.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Steam Locomotives and Engines Exempted. Amend RSA 125 by inserting after section 83 the following new section:

125:83-a Exemption, Steam Locomotives and Engines. The provisions of RSA 125:78-94 inclusive shall not apply to any steam locomotives and engines or replacements thereof used in connection with the operation of a railroad or railway which were in operation or on order prior to January 1, 1973, and are located entirely within the state; provided that this exemption shall not apply to any stationary steam engine.

2 Effective Date. This act shall take effect upon passage.

Rep. Curran spoke in favor of the committee report.

Amendment Adopted.

Ordered to third reading.

**HB 84**

relative to special hunting license for bear. Inexpedient to legislate. Rep. Maynard for Fish and Game.

Imposing a special license on bear, therefore setting a precedent.

Resolution adopted.

**HB 91**

to close the deer sanctuary at Bear Brook State Park in Allenstown. Inexpedient to legislate. Rep. Patrick for Fish and Game.

Bill improperly drafted, intent unclear as to purpose of the bill.

Resolution adopted.

#### HB 128

enabling the director of fish and game to enter into co-operative agreements with individuals, partnerships and corporations relative to fishways and other matters. Ought to pass with amendment. Rep. Tirrell for Fish and Game.

Enables the fish and game director to enter into agreement with private parties.

#### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Powers of Director of Fish and Game. Amend RSA 206 by inserting after section 23 the following new section: 206:23-a Cooperation with Private Parties. The director, with the consent of the commission, shall have the power and authority to enter into agreements with individuals, partnerships and corporations whether resident or nonresident for the purpose of implementing fishways or fish ladders and any other matters relative to the protection, propagation and preservation of fish, game and fur-bearing animals of this state.

Amendment adopted.

Referred to Appropriations.

#### HB 49

imposing an additional percentage of certain fines as part of the fine and appropriating same for use by the program on alcohol and drug abuse rehabilitation. Inexpedient to legislate. Rep. H. Gwendolyn Jones for Judiciary.

Rehabilitation in cases of drug and alcoholic addiction is a greet need in the state, but should be financed out of the general fund.

Resolution adopted.

#### HB 54

to provide for the surviving spouse of an intestate deceased to receive entire estate subject to just debts and expenses. Refer

to Judicial Council for study. Rep. H. Gwendolyn Jones for Judiciary.

Should be a part of the study of Probate Laws.

Rep. Merrill moved that words, refer to Judicial Council for study, be amended so that Judicial Council reports back to the House April 1, 1973 and spoke in favor of the motion.

Rep. Maynard spoke in favor of the motion.

Adopted.

Resolution as amended adopted.

### **HB 55**

providing for first offenders in felony cases to be examined by a county appointed psychologist prior to sentencing. Ought to pass with amendment. Rep. Buckley for Judiciary.

Bill as amended provides for appointment of a psychologist in any felony cases on request of the prosecution, defense, probation department or presiding justice at the expense of the state.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

providing for offenders in felony cases to be examined by a county appointed psychologist prior to sentencing.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Presentence Examination. Amend RSA 607 by inserting after section 3 the following new section:

607:3-a Presentencing Report by Psychologist. The presiding justice shall at the request of the prosecution or defense attorney, probation department, or upon his own motion appoint a psychologist to examine any person convicted of a felony, and to make a presentencing report within thirty days after appointment or sooner if requested by the court. Such examination and report shall be at the expense of the State of New Hampshire.

I. The psychologist's report on any person examined under the provisions of this section shall be used in connection with all material available to the presiding justice in determining the appropriate sentence.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

#### **HB 56**

making certain corrections in statutory references to gambling. Ought to pass with amendment. Rep. Nighswander for Judiciary.

Corrects statutory cross references in connection with gambling laws.

#### **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Horse and Dog Racing. Amend RSA 284:34 (supp) as amended, by striking out said section and inserting in place thereof the following: 284:34 Effect on Other Laws. RSA 338 and RSA 647 shall not apply to pari-mutuel pools provided for by this chapter.

Amendment adopted.

Ordered to third reading.

#### **HB 140**

relative to additional requisites for approval of subdivisions by planning boards. Ought to pass. Rep. Hanson for Municipal and County Government.

This bill will more clearly spell out the public services to be considered by Planning Boards in adopting regulation governing sub-division of land.

Ordered to third reading.

#### **HB 101**

relative to aircraft financial responsibility. Ought to pass with amendment. Rep. Hamel for Transportation.



Updates definitions and reporting procedures to conform with National Transportation Safety Board rules and regulations. Amendment adds definition of "owner" which was inadvertently omitted from the bill.

### AMENDMENT

Amend RSA 422-A:1 as inserted by section 1 of the bill by inserting after paragraph (i) the following new paragraph:

(j) "Owner" means any of the following persons who may be legally responsible for the operation of any aircraft:

(1) A person who holds the legal title to an aircraft;

(2) A lessee of an aircraft;

(3) A conditional vendee, a trustee under a trust receipt and a mortgagor or other person holding an aircraft subject to a security interest.

Further amend RSA 422-A:1 as inserted by section 1 of the bill by relettering paragraphs (j), (k), (l), (m), (n), (o), and (p) to read (k), (l), (m), (n), (o), (p) and (q).

Amendment adopted.

Ordered to third reading.

### HB 103

to provide for the disposition of abandoned aircraft. Ought to pass with amendment. Rep. Hamel for Transportation.

Sets up a law which is similar to the one for abandoned autos. Amendment rewrites "Authority to Take" paragraph of bill to give more protection to owners.

### AMENDMENT

Amend section 1 of the bill by striking out RSA 422-C:1, as inserted by said section, and inserting in place thereof the following:

422-C:1 Authority to Take. The director and his field assistants, of the state aeronautics commission, any police employee of the department of safety, any police officer, sheriff, deputy sheriff or selectman upon discovery of any aircraft or aircraft parts apparently abandoned, or of any aircraft without

a currently effective State of New Hampshire and/or federal registration certificate, whether situated within any public, municipal airfield or private airfield open for public use, for a period in excess of three years, may take such aircraft or component aircraft into his custody and may cause the same to be taken away and stored in some suitable place out of public view.

Amendment adopted.

Ordered to third reading.

#### **HB 156**

to increase the replacement fee for motor vehicle operator licenses and registrations. Inexpedient to legislate. Rep. Hamel for Transportation.

Not required because of HB 65.

Resolution adopted.

#### **SB 24**

relative to securing loads of wood products on motor vehicles. Ought to pass. Rep. Hamel for Transportation.

Will allow the use of cables and straps as well as chains to tie loads of wood products to trucks. Senate amendment makes it effective on passage.

Ordered to third reading.

#### **CACR 4**

relating to right of adjournment by the house of representatives and the senate, providing that neither the house of representatives nor the senate may adjourn for more than five days at a time without the consent of the other branch and with like consent they may adjourn in one recess of no more than thirty days within the first sixty days of a regular session. Inexpedient to legislate. Rep. Harvell for Constitutional Revision.

The committee felt that the limitations proposed would be better accomplished by joint rules than by a constitutional change.

Rep. Newell spoke against the committee report.

(discussion)

Resolution adopted.

**CACR 1**

relating to amendments to the Constitution proposed by the General Court, and providing that the authority of the General Court to propose constitutional amendments be repealed. Inexpedient to legislate. Rep. Harvell for Constitutional Revision.

The committee does not feel that the general court should relinquish its right to propose constitutional amendments.

Rep. Richard L. Bradley moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

(Rep. George B. Roberts, Jr. in the Chair)

Rep. Chandler spoke in favor of the motion.

(Deputy Speaker in the Chair)

Reps. Daniel J. Healy and Bednar spoke in favor of the motion.

Reps. Joseph M. Eaton and Chase spoke against the motion.

74 members having voted in the affirmative and 224 in the negative, the motion lost.

Reps. Bednar and Webster wish to be recorded as in favor of the motion.

Resolution adopted.

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**RESOLUTIONS**

Reps. Milne, Vachon, and Charles B. Roberts offered the following:

*Whereas*, we have learned with sorrow of the death of George Brummer, former Representative from Lisbon, and

*Whereas*, George Brummer served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Represen-

tatives in General Court convened, do hereby extend our sympathy to the family of George Brummer, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

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On motion of George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet tomorrow at 11:00 a.m.

(George B. Roberts, Jr. in the chair)

#### LATE SESSION

##### Third reading and final passage

HB 103, to provide for the disposition of abandoned aircraft.

HB 101, relative to aircraft financial responsibility.

HB 56, making certain corrections in statutory references to gambling.

SB 24, relative to securing loads of wood products on motor vehicles.

HB 160, increasing the lending limit of trust companies on real estate mortgages in New England.

HB 140, relative to additional requisites for approval of subdivisions by planning boards.

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

Rep. Gerry F. Parker spoke against the third reading and final passage.

Rep. Curran spoke in favor of the third reading and final passage.

SB 3 was read a third time and passed.

(Deputy Speaker in the Chair)

### SUSPENSION OF RULES

Rep. Estabrook moved that the rules of the House be so far suspended as to allow the introduction of a resolution not previously advertised in the Calendar.

The clerk read the resolution in full.

Rep. Estabrook spoke in favor of the motion.

Reps. George B. Roberts, Jr. and Weeks spoke against the motion.

Motion lost.

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On motion of Reps. Chamberlin, Curran and Fimlaid, the House adjourned at 3:46 p.m. in memory of former Rep. George Brummer.

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*Thursday, 1Feb73*

The House met at 1:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, hear our prayers, in which we humbly ask of Your mercy that You would give to the soul of Your servant, George Brummer, which You have commanded to leave this world, a place in the land of light and peace, and bid that he be made a companion of Your saints. Grant also, O Lord, that while we lament the departure of our brother, out of this life, we may bear in mind that we are most certainly to follow him. Give us the grace to make ready for that last hour by a devout



and holy life, and protect us against a sudden and unprovided death. Teach us how to watch and pray that when Your summons comes, we may go forth to meet the Bridegroom and enter with Him into life everlasting, through Christ our Lord.

Amen.

### PLEDGE OF ALLEGIANCE

Rep. Merrill led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Peter N. Chasse, Ezra B. Mann, and Junkins, the day, illness.

Rep. Canney, the week, illness.

Rep. Elizabeth E. Goff, the day, important business.

Rep. Boisse, the day, Tues. & Wed., important business.

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### RESOLUTION

Rep. George B. Roberts, Jr. offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 298 through 306 and 308 through 317 and House Joint Resolution numbered 16 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & HJR

First, second reading & referral

HB 298, relative to the officers of the commission on the status of women. (Pierce of Belknap Dist. 7, Hager of Merrimack Dist. 21 — To Executive Departments and Administration.)

HB 299, to designate certain highways as bicycle trails and making an appropriation therefor. (Gillmore of Hillsborough Dist 34 — To Resources, Recreation and Development.)

HB 300, increasing the mileage rate for all state employees using privately owned passenger vehicles, and making an appropriation therefor. (Noble of Merrimack Dist. 21 — To Executive Departments and Administration.)

HB 301, permitting a member of a school board to be a teacher in his own school district. (Horan of Hillsborough Dist. 27 — To Education.)

HB 302, prohibiting the varying of rates for motor vehicle liability insurance based solely on age groups. (Sayer of Rockingham Dist. 5 — To Banks and Insurance.)

HB 303, relative to service fees for emergency treatment by registered nurses. (Daniell of Merrimack Dist. 13 — To Public Health and Welfare.)

HB 304, prohibiting the publication of names of the elderly receiving an exemption from property taxes. (Lyons of Hillsborough Dist. 13 — To Municipal and County Government.)

HB 305, enacting a code of ethics for the state. (Townsend of Sullivan Dist. 1, Woodward of Merrimack Dist. 20, Buckley of Sullivan Dist. 4 — To Judiciary.)

HB 306, relative to trespasses on private property. (Heald of Hillsborough Dist. 5, Chamberlin of Grafton Dist. 2, Bradley of Grafton Dist. 5 — To Judiciary.)

HB 308, relative to the income and operating charges of state buildings at Eastern States Exposition. (Allen of Carroll Dist. 5 — To Executive Departments and Administration.)

HB 309, relative to the confidentiality of business profits tax records and files. (Sayer of Rockingham Dist. 5 — To Joint Committee on Ways and Means and Judiciary.)

HB 310, relative to cooperative extension work at the University of New Hampshire and making an appropriation therefor. (Tirrell of Strafford Dist. 4, Greene of Rockingham Dist. 17 — To Education.)

HB 311, increasing the exemption for persons over sixty years of age on interest and dividends. (Allen of Carroll Dist. 5 — To Ways and Means.)

HB 312, providing for the withdrawal of the town of Derry

from Supervisory Union No. 10. (Barka of Rockingham Dist. 4 — To Education.)

HB 313, providing for the withdrawal of the town of Bedford from the Supervisory Union No. 26. (Nelson of Hillsborough Dist. 9 — To Education.)

HB 314, relative to accident and health insurance issued under franchise plan. (Jones of Grafton Dist. 8 — To Banks and Insurance.)

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord. (Noble of Merrimack Dist. 21 — To Public Works.)

HB 316, providing for the appropriate flame retardent label by manufacturer on garments. (Knight of Hillsborough Dist. 8 — To Public Health.)

HB 317, modifying the powers of the Nashua board of education. (Rock of Hillsborough Dist. 16; Boisvert of Hillsborough Dist. 22 — To Special Committee on Nashua Delegation.)

HJR 16, establishing a committee on study property tax exemptions. (Newell of Merrimack Dist. 16 — To Ways and Means.)

## SENATE MESSAGE

### CONCURRENCE

HJR 2, providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards.

## ENROLLED BILLS REPORT

HJR 2, providing supplemental appropriation for department of agriculture, bureau of weights and measures and division of markets and standards.

Rep. Mabel L. Richardson  
*For The Committee*

## COMMITTEE REPORTS

### HB 62

relative to the incorporation of a state bank or trust com-

pany. Ought to pass with amendment. Rep. Milne for Banks and Insurance.

This bill prescribes uniform procedures for the establishment of any state chartered bank or branch bank.

#### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

relative to petitions for trust companies,  
savings banks or branch banking.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Trust Companies. Amend RSA 392:6 (supp), as amended, by striking out said section and inserting in place thereof the following:

392:6 Notice. A notice in such form as said board shall approve, stating the date before which objections may be filed, shall then be published at least once a week for three successive weeks, in one or more newspapers to be designated by said board, one of which shall be a newspaper published in the city or town in which it is proposed to establish the corporation, if there be such, otherwise one published in the county in which said city or town is situated, the first publication of such notice to be within thirty days after said petition is filed with said board, and a copy of such notice shall be mailed to every bank, trust company or similar corporation located in said city or town. Any interested person or corporation may, within the time specified, file with the board a statement of objection to the granting of such petition.

392:6-a Hearing. Said board may upon request of any interested person or corporation or at its own discretion order a public hearing, or the board may approve said petition without a public hearing. Said hearing shall be held at the time and place fixed by the board and a notice shall be published in accordance with the provisions of RSA 392:6. The board may prescribe reasonable procedural rules to govern the proceedings. The board shall keep a permanent verbatim record of all such evidence.

2 Petition for Incorporation of Savings Banks. Amend RSA 386-A:4 as inserted by 1965, 279:1 by striking out said section and inserting in place thereof the following:

386-A:4 Petition. A petition requesting approval of the proposed incorporation shall be filed with the bank commissioner. The petition shall be upon such form as may be prescribed by the bank commissioner and shall contain all the information required by such form, signed and verified under oath by the incorporators, to which shall be annexed a signed duplicate of the articles of agreement. An examination fee of five hundred dollars, payable to the bank commissioner, shall be paid when the petition is filed and may be used to defray the expenses of the proceedings on the petition, any remaining balance to be paid to the state treasury for the credit of the bank commissioner. The bank commissioner shall examine each petition and if he finds that it is duly completed, he shall forthwith refer the petition to the board of trust company incorporation. The bank commissioner shall then make such investigation of each petition as he considers expedient, for the purpose of more fully informing the board. Said board may upon request of any interested person or corporation or at its own discretion order a public hearing or may approve said petition without a hearing. The petitioners shall cause to be published such notices relating to the petition as the board may order.

3 Establishment of Branch Offices of Banks. Amend RSA 384-B:2, III as inserted by 1963, 188:1 by striking out said paragraph and inserting in place thereof the following:

III. Written applications for branch offices shall be submitted by the bank, in the first instance, to the commissioner and shall be verified under oath and made upon forms which may be prescribed by him for the purpose with all the information required by such form fully set forth thereon, including the types of service to be offered at such branch office. Each application shall be accompanied by a fee of five hundred dollars in the case of a new branch and one thousand dollars in the case of a new branch as a result of consolidation, payable to the state treasurer, for the credit of the commissioner. The commissioner shall investigate and examine each application and if he finds that it is duly completed, he shall then refer the application to the board for consideration. A notice stating the date before



which objections may be filed shall then be published by the petitioner in such form as the board may order. Any interested person or corporation may, within the time specified, file with the board a statement of objection to the granting of such application. Said board may upon request of any interested person or corporation or at its own discretion order a public hearing, or may approve said application without a hearing. If a public hearing is to be held, the petitioners shall cause to be published such notices as the board may order. Said hearing shall be held at the time and place fixed by the board. The board shall keep a permanent verbatim record of all such evidence. The commissioner shall serve as chairman of the board. The board may prescribe reasonable procedural rules to govern its proceedings, and it may be convened to consider any pending business on call of the commissioner. There shall be no refund allowed on any application fee once it has been filed. In addition to the application fee, each applicant for a branch office shall be obligated to pay the reasonable cost of processing, hearing and deciding each such application, as assessed by the board, which cost may be collected by the commissioner in an action of debt unless paid within thirty days after demand.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

## **HB 82**

relative to state college and university compulsory student activity fees. Inexpedient to legislate. Rep. French for Education.

The committee on Education resolved that this bill would upset current and future budgetary procedures. This bill would be detrimental to the advantages of a college education and in opposition to an important facet of the learning process. It was also noted the bill was against the desires of the students themselves.

Resolution adopted.

## **HB 181**

providing for compulsory school attendance to fourteen years of age. Inexpedient to legislate. Rep. Rock for Education.

The committee on Education felt that HB 181 was not in the best interests of education in New Hampshire and that this legislation as presented was in direct conflict with the intent of existing child labor laws.

Resolution adopted.

**HB 200**

relative to right of entry upon any lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same. Ought to pass. Rep. Colburn for Environment and Agriculture.

Clarifies and updates an existing law to meet today's problems. Strengthens authority to enforce proper forestry practices.

Ordered to third reading.

**HB 127**

relative to importation of living fish, wild birds or wild animals into this state. Inexpedient to legislate. Rep. Tuttle for Fish and Game.

Object of bill not clearly presented.

Resolution adopted.

**HB 131**

relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish. Ought to pass. Rep. Griffin for Fish and Game.

Insertion of a penalty to present legislation.

Ordered to third reading.

**HB 143**

relative to the form of fish and game licenses. Ought to pass. Rep. Griffin for Fish and Game.

Further proof of residence.

At the request of Rep. William P. Boucher, Rep Huggins explained the committee report.

Ordered to third reading.

**HB 4**

providing workmen's compensation coverage for all volun-

teer or auxiliary members of an ambulance service, whether paid or not paid. Ought to pass. Rep. Skinner for Labor, Human Resources and Rehabilitation.

This bill amends the definition of employee with respect to public employee in the workmen's compensation law to include volunteer and auxiliary members of ambulance services. The bill further provides that any such person, whether paid or not paid who is injured while on duty, shall receive the maximum benefits allowed by the law.

Ordered to third reading.

#### **HB 12**

prohibiting the coercion of hourly wage earners to work over forty hours per week. Inexpedient to legislate. Rep. Stevenson for Labor, Human Resources and Rehabilitation.

Bill does not improve existing laws already on books.

Resolution adopted.

#### **HB 26**

relative to tip credit as pertaining to the minimum wage law. Inexpedient to legislate. Rep. Ineson for Labor, Human Resources and Rehabilitation.

New Hampshire presently conforms with the present federal law.

Resolution adopted.

#### **HB 27**

relative to meal allowances under the minimum wage law. Inexpedient to legislate. Rep. Lynch for Labor, Human Resources and Rehabilitation.

Committee feels that present allowance of \$12.60 a week is far less than most establishments could provide room and meals for.

Resolution adopted.

#### **HB 29**

eliminating the exclusions in the minimum wage law and changing the amount of maximum credit for tips. Inexpedient to legislate. Rep. Craig D. Smith for Labor, Human Resources and Rehabilitation.

This bill would put all employees on minimum wage. It would work considerable hardship on farm labor and casual labor. It provides many other fringe benefits in lieu of wages.

Resolution adopted.

### HB 30

providing for all nonphosphate detergents to contain a warning that it removes fabric protection against inflammability. Inexpedient to legislate. Rep. Goodrich for Public Health and Welfare.

Withdrawn at sponsor's request.

Resolution adopted.

### HB 25

prohibiting the sale of real estate by the trustees of the New Hampshire College of Agriculture and Mechanic Arts, the University of New Hampshire and all its divisions and departments without prior legislative approval. Inexpedient to legislate. Rep. Lockhart for Education.

The bill was recommitted by the House. After two hearings the committee again voted Inexpedient to Legislate. The committee was entirely satisfied with the land sale proceedings as handled by the trustees. The committee recommended that U. N. H. Trustees contact the various Planning Boards and Conservation Commissions in the general areas affected by land sales for the purpose of informing them of said contemplated sales.

Rep. Gordon moved that HB 25 be made a special order of business for Tuesday next at 1:01 and spoke in favor of the motion.

Reps. French, Lyons, Albert C. Jones, and William P. Boucher spoke against the motion.

Reps. Read, Nelson, Gerry F. Parker, and Horan spoke in favor of the motion.

Rep. Gordon withdrew his motion and requested a quorum count and subsequently withdrew his request.

Rep. Gordon moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

The clerk read the amendment in full.

Rep. Gordon spoke in favor of the motion.

Rep. Lockhart spoke against the motion.

(discussion)

Reps. Nelson and Chandler spoke in favor of the motion.

Reps. Altman, Williamson, Coutermarsh and George B. Roberts, Jr. spoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Gordon requested a division.

It being manifestly in the negative the motion lost.

Resolution adopted.

Rep. Curran wished to be recorded as voting in favor of Rep. Gordon's amendment.

#### **HB 22**

prohibiting dual candidacy in the general election. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This bill prohibits a person's name from appearing more than once for the same office on an official ballot. The committee recognizes that double filing under both Republican and Democrat, especially for election as Representative, has been frequently used and sees nothing wrong in it. Hence, the recommendation, "Inexpedient to legislate".

Resolution adopted.

#### **HB 89**

relative to stallions running at large. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

This bill recognizes the need of keeping stallions controlled and places the burden of control on the owner or keeper. It was entered at the request of the Veterinarian Association. The committee voted unanimously to recommend "Ought to pass".

Ordered to third reading.



**HB 133**

requiring the nomination papers for a candidate nominated by petition to be filed sixty days prior to the day of election. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This bill would require any candidate for any office nominated by petition to file his nomination papers with the secretary of state no later than sixty days prior to the day of election.

Resolution adopted.

**HB 138**

relative to increasing the number of signatures required on a petition to nominate a candidate. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

The bill increases the number of legal voters' signatures required to nominate a candidate for governor, U. S. senator or any other candidate to be elected by the voters of the entire state from one thousand to five thousand and a representative in congress from five hundred to two thousand five hundred. The committee voted unanimously in favor of the present requirement feeling that those numbers are still satisfactory.

Resolution adopted.

**HB 65**

establishing a fee for duplicate copies of photographic licenses. Ought to pass with amendment. Rep. Hamel for Transportation.

Amendment adds a definition of "duplicate license" and sets the fee at \$2.00.

**AMENDMENT**

Amend RSA 262:11, V, as inserted by section 1 of said bill by striking out the same and inserting in place thereof the following:

V. A duplicate copy of a photographic license, may be issued for a fee of two dollars. For the purpose of this chapter, the term "duplicate copy" shall mean an additional license so marked containing a new photograph made when the additional license is obtained.

Amendment adopted.

Ordered to third reading.

**HB 175**

permitting persons eighteen years of age or over to purchase sweepstakes tickets. Ought to pass with amendment. Rep. Splaine for Ways and Means.

Permits sale of sweepstakes tickets to persons eighteen years of age or older.

Rep. Frizzell moved that HB 175 be laid on the table.

Adopted.

**HB 176**

providing for the repeal of the meals and rooms tax. Inexpedient to legislate. Rep. Splaine for Ways and Means.

This act seeks to abolish the rooms and meals tax.

Resolution adopted.

**RESOLUTIONS**

Reps. Bell and Webb offered the following:

*Whereas*, the Royal Eagles Drum and Drill Corps of Plymouth, New Hampshire, since its conception in 1966 has consistently demonstrated its superior talents in competition throughout New England, and

*Whereas*, the Royal Eagles were acclaimed State Drum and Drill Corps New Hampshire Champions in 1972, and

*Whereas*, the Royal Eagles were this state's official representative in the 1973 Inaugural Parade, and

*Whereas*, the sixty-member corps did conduct itself in a manner befitting such an honor and performed before the President with aplomb and verve, therefore be it

*Resolved*, that the 1973 House of Representatives hereby recognize the Royal Eagles Drum and Drill Corps for its accomplishments, and be it further

*Resolved*, that the House of Representatives pay special tribute to the citizens of the Plymouth area who oversubscribed the drive for funds that made it possible for New Hampshire

to have a marching unit in the Inaugural Parade, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to the Royal Eagles Drum and Drill Corps.

The clerk read the resolutions in full.

Adopted by vv.

## RESOLUTIONS

Reps. Milne, Vachon, and Charles B. Roberts offered the following:

*Whereas*, we have learned with regret of the death of the following members and former members of the House of Representatives:

Rep. Oscar P. Bissonnette, of Nashua

Rep. Daniel Brocklebank, of Hollis

Rep. Charles M. Filides, of Concord

Rep. Roxie A. Forbes, of Marlow

Rep. A. Stephen Greeley, of Franklin

Rep. George A. Head, of Laconia

Rep. Robert O'Neil, of Nashua

Rep. Horace W. Sanders, of Concord

Rep. Robert W. Varrill, of Exeter

*Whereas*, these Representatives have served their communities faithfully and with efficiency and our loss will be keenly felt, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to their families, and be it further

*Resolved*, that a copy of these resolutions be transmitted to their families.

The clerk read the resolutions in full.

Unanimously adopted by a rising vote and a minute of silent prayer.

## RECONSIDERATION

Rep. T. Anne Webster moved reconsideration on HB 25, prohibiting the sale of real estate by the trustees of the New Hampshire College of Agriculture and Mechanic Arts, the University of New Hampshire and all its divisions and departments without prior legislative approval.

Reconsideration lost.

On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet Tuesday next at 1 p.m.

## LATE SESSION

## Third reading and final passage

HB 62, relative to petitions for trust companies, savings banks or branch banking.

HB 200, relative to right of entry upon any lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same.

HB 131, relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish.

HB 143, relative to the form of fish and game licenses.

HB 4, providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid.

HB 89, relative to stallions running at large.

HB 65, establishing a fee for duplicate copies of photographic licenses.

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On motion of Rep. Russell C. Chase, the House adjourned at 1:18 p.m.

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*Tuesday, 6Feb73*

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**Teach us**, dear God, to have compassion enough to realize that all men are created in Thine image.

Teach us to understand that man's ultimate happiness depends upon his concern and desire to seek wisdom and comprehension for living and for sharing with all mankind. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Page led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Dawson, Kincaid, Rowell and Underwood, the day, illness.

Reps. Junkins and Burke, indefinite, illness.

Rep. Duprey, the week, important business.

Rep. Tucker, the day, important business.

## RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 318 through 334 and House Joint Resolution number 17 and Concurrent Resolution Proposing Constitutional Amendments number 20 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's, HJR &amp; CACR

First, second reading & referral

HB 318, imposing a real estate tax on a portion of state



owned property. (Cate of Merrimack Dist. 14 — To Municipal and County Government.)

HB 319, providing for the reimbursement of landowners for damages done by beavers directly or indirectly. (Rowell of Strafford Dist. 3 — To Fish and Game.)

HB 320, adopting daylight savings time as the official time of the state of New Hampshire from this time forward. (Cote of Hillsborough Dist. 28 — To Statutory Revision.)

HB 321, relative to taxing certain properties of religious organizations. (Cate of Merrimack Dist. 14 — To Municipal and County Government.)

HB 322, relative to tax exemption for veterans organizations. (Cate of Merrimack Dist. 14 — To Municipal and County Government.)

HB 323 relative to the right to know law. (Curran of Grafton Dist. 1 — To Judiciary.)

HB 324, relative to the implied consent of chemical testing of blood of boat operators or pilots who operate boats upon the public waters of the state of New Hampshire. (Milne of Hillsborough Dist. 25 — To Transportation.)

HB 325, relative to games of beano. (Dupont of Hillsborough Dist. 29 — To Statutory Revision.)

HB 326, to permit charities and fraternal organizations to conduct games of chance. (Dupont of Hillsborough Dist. 29 — To Statutory Revision.)

HB 327, permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporation. (Thompson of Merrimack Dist. 1 — To Banks and Insurance.)

HB 328, requiring the filing of a bond by the plaintiff to institute a civil action. (Patrick of Coos Dist. 1 — To Judiciary.)

HB 329, to further define the school year. (Daniell of Merrimack Dist. 13 — To Education.)

HB 330, to provide a limit on the number of beaver an individual may take during an open season. (Huggins of Coos Dist. 1 — To Fish and Game.)

HB 331, relative to adjustment of salaries of classified state employees based on cost-of-living index, and making an appropriation therefor. (Andersen of Merrimack Dist. 15 — To Executive Departments and Administration.)

HB 332, authorizing the Assistant Superintendent of the New Hampshire Hospital to reimburse employees for stolen or destroyed personal effects. (Cushman of Merrimack Dist. 9 — To State Institutions.)

HB 333, to establish a state liquor store in West Lebanon, and making an appropriation therefor. (Duhaim of Grafton Dist. 14, Eaton of Grafton Dist. 14 — To Liquor Laws.)

HB 334, providing for the purchase of state employees' uniforms by the state and making an appropriation therefor. (McDonough of Hillsborough Dist. 29, Ineson of Strafford Dist. 9 — To Executive Departments and Administration.)

HJR 17, establishing a study committee to evaluate the division of welfare and its operations and making an appropriation therefor. (Stevenson of Grafton Dist. 3 — To Public Health and Welfare.)

CACR 20, Relating to: Composition of the General Court. Providing that: The membership of the house of representatives shall be reduced to two hundred and forty. (Sullivan of Hillsborough Dist. 23 — To Constitutional Revision.)

## COMMUNICATION

February 1, 1973

Robert L. Stark  
Secretary of State

Dear Sir:

I, Henry O. Lemay of 773 Silver Street, Manchester, and newly elected representative of Ward 7, wish to submit a request of resignation, due to illness.

I find myself incapable of continuing with work assignment, especially the excessive walking, which is affecting my health.

I sincerely hope that you will accept my request.

Regretfully yours,  
Henry O. Lemay

The clerk read the communication in full.

Accepted with regret.

### SENATE MESSAGES

#### INTRODUCTION OF SCR 1 and SJR 2

SCR 1, Memorializing Congress Relative to Changing the Holiday Dates of Memorial Day and Veterans Day. Statutory Revision.

SJR 2, providing a supplemental appropriation for school building aid. Appropriations.

### ENROLLED BILLS

SB 24, relative to securing loads of wood products on motor vehicles.

Rep. Maurice W. Read

*For The Committee*

### COMMITTEE REPORTS

#### HB 2

relative to the filing of rules by state administration agencies. Inexpedient to legislate. Rep. Roderick H. O'Connor for Executive Departments and Administration.

The committee felt that this bill would be covered by legislation to be submitted by the Judicial Council.

Rep. Richard L. Bradley moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion and subsequently withdrew his motion.

Rep. Merrill moved that HB 2 be laid on the table.

Adopted.

#### HB 69

relative to salary adjustments and increases for unclassified positions. Inexpedient to legislate. Rep. Hoar for Executive Departments and Administration.

This bill would have taken away the power of the fiscal committee to approve raises for unclassified positions.

Rep. Newell spoke against the committee report.

Rep. George B. Roberts, Jr. moved that HB 69 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Rep. Drake spoke in favor of the motion.

Adopted.

### HB 83

relative to actuarial work on the state's four retirement systems being done by the office of the state insurance commissioner. Inexpedient to legislate. Rep. Gallen for Executive Departments and Administration.

This bill did not provide for extra staff to do this and the committee could see a conflict with state employees doing their own actuarial work.

Resolution adopted.

### HB 98

to provide for substitute ex officio member for the director of fish and game on the pesticide control board. Ought to pass. Rep. Cushman for Executive Departments and Administration.

Provides that the chief of game management and research sit as ex officio member of the pesticide control board.

Ordered to third reading.

### HB 109

relative to the establishment of an eight-man bi-partisan advisory committee of representatives and senators to supervise the liquor commission. Inexpedient to legislate. Rep. Vachon for Executive Departments and Administration and Liquor Laws.

There was no sentiment on either committee for an advisory board of members "not directly interested in the liquor business" and so the sponsor withdrew his support after the hearing.

Resolution adopted.

### HB 147

relative to the giving or receipt of liquor samples. Inexpedient to legislate. Rep. Boisvert for Executive Departments and Administration and Liquor Laws.

Most of the joint committee did not feel that samples needed to be eliminated.

Rep. Joseph L. Cote moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

Rep. Cushman spoke in favor of the motion.

Rep. Boisvert moved that HB 147 be indefinitely postponed and spoke in favor of the motion.

Rep. Enright spoke in favor of the motion.

(discussion)

Rep. Bell moved the previous question on the pending motion.

Sufficiently seconded.

Adopted.

The clerk read HB 147 in full.

Rep. Cote requested a division.

228 members having voted in the affirmative and 90 in the negative the motion to indefinitely postpone prevailed.

Rep. Hamel wished to be recorded as voting "no" on indefinite postponement.

## JOINT CONVENTION

His Excellency Governor Meldrim Thomson, Jr. addressed the Joint Convention as follows:

Mr. Speaker, Mr. President, Members of the General Court. I have asked permission to address this body to bring to your attention important information on the condition of our state.

This report involves dogtrack operations, gross inefficiencies in the Tax Commission, the breaching of the confidentiality of business profits tax information by tax officials, and the distribution of duplicate low number license plates, allegedly for a price.

You and I were sent here, each in his or her respective official capacity, for many different reasons. The common denominator of these is the need of our people for honest government.



In my capacity as governor during the past few weeks, I found that:

— Three different high state officials gave the governor or his representative false answers to important questions involving the operations of the state;

— A state tax commissioner breached the confidentiality of tax information over drinks at a public bar;

— Wire tapping was allegedly being practiced by state officials;

— Audits of large tax accounts were woefully in arrears while thousands of small taxpayers who had never made a taxable profit were being harassed for penalties they should never have been charged; and

— Low number auto license plates have such an intrinsic vanity value as to lead allegedly to the printing and sale of duplicate plates.

I have been most reluctant to become involved in any one of these areas because of the sheer burden of preparing a biennium budget and the daily need to administer the affairs of state.

However, as the chief executive of the state, it was my clear duty to investigate each of these matters and take such action as would best serve the interests of our people.

Some of these matters overlapped one another or lead from one to another.

A very substantial amount of information has come to me on the dogtrack operation. It convinces me that, as Governor, I must continue my investigations until or unless I find evidence of wrongdoing that would justify action by the Attorney General or a federal grand jury. During my study of the dogtrack operations, I have experienced several crucial information leaks. For this reason, I shall have nothing to say on this matter until my work is complete.

There is urgent need that the antiquated, part-time and highly inefficient operation of the Tax Commission be discontinued. The present system of tax collection by its very cumbersomeness is costing our taxpayers millions of dollars. The sys-

tem, by its inadequacies, definitely favors the well-to-do and wealthy.

When information to this effect came to my attention, I sought confirmation from the Tax Commission.

I am confident that as Governor I had the authority and a duty to seek such information — authority, which if it had to be, was later affirmed by the Council.

Tax officials also believed I had such authority because they dictated in part the wording of the request that was made to them.

It is important to note here that neither my administrative aide, Mr. Frederick Goode, who acted on my behalf and under my orders, nor I, ever saw federal tax returns nor did we reveal the identity of the information we sought.

The confidentiality of the records was breached by one or more tax officials at one or more times and places.

I have today requested the Supreme Court to check on the conduct of one tax commissioner who at a public bar breached the confidentiality of tax information.

There is nothing more important in a democracy than that its tax laws be applied with equal fairness to every person. I have good reason to believe that this is not the case in the administration of some of our tax laws by the Tax Commission, a failure I ascribe to inefficiency rather than deliberateness.

I have asked the Tax Commission for detailed information on its audit procedures which in time should provide you with information needed to correct gross problems of inefficiency and mismanagement presently existing in the Commission.

With the help of a committee of several councilors, I intend to pursue this matter further. It could lead to the collection of millions in taxes that are now lost to the state.

The irresponsible manner in which a segment of the press has acted in this entire matter has given me serious second thoughts about the advisability of New Hampshire enacting a shield law to protect the sources of press information.

Finally, I would call your attention to another area of special privilege which should be eliminated at once — namely, the low license plate mess.

Obviously, low license numbers and the combination of numbers have a great attraction for many motorists. The lure of the plate has been such that it has been alleged that duplicate low number license plates were stamped and distributed for a price in the past.

It is so strong that political power can be developed by a governor through its adroit manipulation.

Contrary to the spirit of our institutions, this petty form of preference has taken on hereditary characteristics.

I see no more reason for a governor to dispense low license plates than for him to give away ski passes or influence the distribution of free booze. The role of governor is not that of dispenser of special privileges.

I have inherited a system of distributing low license plates which with your help should be changed. This I believe will have to be done by law.

At present, there are some two hundred low number license plates available. I have had requests for a number of these. For the present, I am creating a committee consisting of a gubernatorial aide, the director of motor vehicles and the commissioner of public safety to pass upon the distribution of low number plates on a first come, first served basis.

In the meantime, I would urge this Legislature to consider legislation to accomplish the following:

1. Establishment of a system of disposing of low license number plates by an annual lottery or drawing open to all qualified motorists.

There should be an annual vanity plate charge which should be graduated from two number to four number plates.

Owners of plates should be allowed to renew them each year upon payment of the vanity charge but should not be able to pass them on to spouse or children.

The proceeds from the vanity charge for ten thousand plates could raise from \$50,000 to \$100,000 a year.

I would recommend that these monies be earmarked for a pension fund for legislators who have served for three or more terms and as a special source of assistance for a legislator or his

family when misfortune strikes, as it did recently to the George Brummer family.

2. I believe that it would be to the best interest of all of our people for the legislature to create a new and modern revenue department to replace the ancient and inadequate Tax Commission. I would urge the passage of such legislation.

3. This body should consider legislation to create one racing commission to control all forms of racing. Two commissions will lead to disastrous economic competition between dogs and horses.

4. The Legislature should make it impossible for a track to hold more than one license, even where a second one is in suspension.

The matters which I have discussed here today were of such great importance to our state that I felt compelled to share them with you as representative of our people.

I do hope that the several recommendations I have made for legislative action will have your careful consideration.

Let me thank you, Mr. Speaker, and Mr. President, and honorable members for your attention.

On motion of Sen. Provost, the Joint Convention arose.

## HOUSE

Rep. George B. Roberts, Jr. moved that the remarks of the Governor be printed in the Journal.

Adopted.

## COMMITTEE REPORTS CONTINUED

### HB 188

relative to the mode of taking deer east of interstate 95. Inexpedient to legislate. Rep. Maynard for Fish and Game.

Would eliminate buck shotguns east of Route 95.

Resolution adopted.

### HB 189

relative to the mode of hunting deer in certain areas of New Hampshire. Inexpedient to legislate. Rep. Randall for Fish and Game.

Gives muzzle loading gun owners additional privileges.

Resolution adopted.

### HB 11

prohibiting interference with recruitment or military activities on campus of public educational institutions by students, faculty or outside agitators. Inexpedient to legislate. Rep. McManus for Judiciary.

The intent is laudable but the bill presents constitutional problems without adding to the effectiveness of the statutes.

Rep. Senter moved that the words, ought to pass, be substituted for inexpedient to legislate, and spoke in favor of the motion.

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Reps. McManus, Frizzell, Buckley and Gerry F. Parker spoke against the motion.

Reps. Gorman, Read, and Twigg spoke in favor of the motion.

Rep. Ellis moved the previous question on the pending motion.

Sufficiently seconded.

Adopted.

A division was requested.

156 members having voted in the affirmative and 174 in the negative, the motion lost.

The accuracy of the division was questioned.

162 members having voted in the affirmative and 176 in the negative, the motion lost.

Rep. Twigg requested a roll call.

Sufficiently seconded.

### ROLL CALL

Yeas 175 — Nays 181.

### YEAS 175

#### BELKNAP COUNTY:

Lawton, Marsh, Twigg, Randlett, Maguire, Murray, James W.



## CARROLL COUNTY:

Cox, Davis, Esther M., Conley, Webster, T. Anne.

## CHESHIRE COUNTY:

Johnson, Edward A., Johnson, Elmer L., Ladd, Slicer, Whipple, Savage, Gordon, Anne B., Yardley, Turner, Ames, Streeter, Drew.

## COOS COUNTY:

Huggins, Metcalf, Bushey, Hunt, Roger L., Richardson, Mabel L., Kidder, Victor L., Fortier, Valliere, Desilets, Pryor, Brungot, Lemire, George, Gagnon.

## GRAFTON COUNTY:

Curran, Chamberlin, Stevenson, Bradley, Richard L., Clark, Jones, Anthony K., Anderson, Fayne E., Buckman, Harrison, Krainak, Duhaime, Eaton, Myrl R.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Karnis, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Thomson, Harold E., Clougherty, Fletcher, Knight, Nelson, Bragdon, Brown, G. Winthrop, Spalding, Kenneth W., Carswell, Dwyer, Geiger, Lyons, Polak, McLaughlin, Trombly, Winn, Charest, Desmarais, Lachance, Lefebvre, Migneault, Aubut, Boisvert, Mason, Lebel, Ackerson, Cote, Joseph L., Cullity, Dupont, Clancy, Conway, Sullivan, Mary J., Healy, George T., MacDonald, Thibeault, P. Robert, Grady, O'Connor, Timothy K., Sweeney, Martineau, Allard, Lambert, Lesmerises.

## MERRIMACK COUNTY:

Sherman, Chandler, Boucher, Laurent J., Enright, Rice, Gordon, George E., Bartlett, Perkins, John B., Mattice, Humphrey, James A., Fisher, Andersen, Chris K., Rich, Harriman.

## ROCKINGHAM COUNTY:

King, Benton, Davis, Roy W., Wilson, Helen F., Kashulines, Skinner, Soule, Thibeault, George J., Barka, Gay, Gorman, MacGregor, Read, Senter, Belair, Campbell, Goff, Elizabeth E., Lemay, Margaret S., Roy, Vesta M., Sayer, Sununu, Webster, Clarence L., Cummings, Vey, Hoar, Schwaner, Tavitian, Estabrook, Rogers, Randall, Akerman, Cunningham, Parr, Smith, Tony, Collishaw, Page, Sewall, Twardus, Hammond, Palfrey, Griffin, Cotton, Dame, Connors, Woods.

## STRAFFORD COUNTY:

Harvey, Tirrell, Joncas, Bouchard, Chasse, Peter N., Tanner, Tibbetts, Ineson, Winkley, Preston, Tripp, Leighton, Donnelly, Richardson, Harriett W. B., Pray.

## SULLIVAN COUNTY:

Barrus, Rousseau, Roy, Mary R., D'Amante, Saggiotes, Wiggins, George I.

## NAYS 181

## BELKNAP COUNTY:

French, Matheson, Nighswander, Wuelper, Roberts, Charles B., Roberts, George B. Jr., Hood, Huot, Hildreth, Pierce, Sabbow.

## CARROLL COUNTY:

Howard, Donalda K., Davis, Dorothy W., Chase, Claffin, Allen.

## CHESHIRE COUNTY:

Galloway, Stevens, Anthony, Dunham, Hackler, McGinness, Forcier, Milbank, Helie, Wayne E., Raymond, Saunders, Heald, Cleon E., Barrett, Katherine K., Close, Nims, Scranton.

## COOS COUNTY:

Patrick, Drake, Burns, Oleson, Theriault.

## GRAFTON COUNTY:

Gallen, Tilton, Fimlaid, Mann, Ezra B., Altman, Jones, Albert C., Warren, Roger K., Gemmill, Bell, Webb, Bradley, David J., Chambers, Copenhaver, Nutt, Hough, Merrill, Townsend, Madeline G.

## HILLSBOROUGH COUNTY:

Cary, Mann, Arthur F., Murray, Fred E., Colburn, Messina, Harvell, Van Loan, Carter, Coburn, Ferguson, Langdell, Boyd, Hall, Lint, Bednar, Bergeron, Nutting, Smith, Leonard A., Currier, Richardson, John W., Seamans, Ethier, Cobleigh, Parker, Gerry F., Record, Zechel, Belcourt, Woodruff, Cote, Margaret S., Gabriel, McGlynn, Chasse, Romeo A., Wilcox, Coutermarsh, Ainley, Daniels, Milne, Zachos, Montplaisir, Murphy, Horan, Nardi, Spirou, Bruton, Shea, Healy, Daniel J., Gardner, Champagne, Gelinas, O'Neil, Dortehea M., D'Allesandro, Gillmore, Lynch, Lamy, Lemire, Armand R., Bernier.

**MERRIMACK COUNTY:**

Kidder, William F., Thompson, Arthur E., Bigelow, Parker, Harry C., Deoss, Hanson, Gamache, Goff, John B., Plourde, Cushman, Kopperl, Wiggin, Elmer S., Burleigh, Daniell, Piper, Cate, Haller, Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Tarr, Wilson, Ralph W., Howard, C. Edwin, Woodward, Hager, Noble.

**ROCKINGHAM COUNTY:**

DeCesare, Southwick, Stevens, William J., Tuttle, Spollett, White, Erler, Goodrich, Sanborn, Simard, Hamel, Brown, Benjamin A., Eastman, Scamman, Stevens, Elliot A., Ellis, Weeks, Greene, Lockhart, Splaine, McEachern, Joseph A., Hodgdon.

**STRAFFORD COUNTY:**

Canney, Dudley, Plumer, Maloomian, Herbert, Meserve, Thompson, Barbara C., Ruel, Sylvain, Bernard, O'Connor, Roderrick H., McManus, Peabody.

**SULLIVAN COUNTY:**

Townsend, Sara M., Buckley, Spaulding, Roma A., Brodeur, Burrows, Lewko, Scott, Frizzell, Olden, Williamson.

and the motion lost.

Resolution adopted.

Rep. Craig D. Smith wished to be recorded as voting "no" on the roll call on HB 11.

**HB 167**

relative to mandatory suspension of operators' licenses by the courts for motor vehicle violations on failure to pay fine. Inexpedient to legislate. Rep. Record for Judiciary.

The court now has ample powers, no demonstrated need for change.

Resolution adopted.

**HB 51**

establishing the quorum for county conventions and establishing number of votes necessary when a quorum is not present. Inexpedient to legislate. Rep. Benton for Municipal and County Government.

Passage of this bill could have a deleterious effect on county

government, in that voting at county convention could actually be controlled by a very small minority.

Resolution adopted.

**HB 161**

legalizing the annual town meeting of the town of Warren. Ought to pass. Rep. Hanson for Municipal and County Government.

To correct the posting date of the warrant.

Ordered to third reading.

**HB 19**

exempting certain motor vehicles hauling garbage or machinery from provisions of the motor vehicle carrying property for hire act. Inexpedient to legislate. Rep. Hamel for Transportation.

Covered by HB 20.

Resolution adopted.

**RECONSIDERATION**

Rep. Frizzell moved reconsideration on HB 11, prohibiting interference with recruitment or military activities on campus of public educational institutions by students, faculty or outside agitators.

Reconsideration lost.

**EXTENSION**

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 50, lowering the age of majority from twenty-one to eighteen years of age.

Granted.

**VACATES**

Rep. Greene moved that the House vacate the reference of HB 310, relative to cooperative extension work at the University of N. H. and making an appropriation therefor, to the committee on Education and re-refer said Bill to the committee on Environment and Agriculture.

Adopted.

Rep. Greene moved that the House vacate the reference of HB 308, relative to the income and operating changes of state buildings at Eastern States Exposition, to the committee on Executive Departments and Administration and re-refer said Bill to the committee on Environment and Agriculture.

Adopted.

Rep. George B. Roberts, Jr. moved that HJR 3, HB 96 and HB 20 be made a special order for Wednesday, Feb. 7.

Adopted.

On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, and further that when the House adjourns today, it be to meet tomorrow at 1:00 p.m.

#### LATE SESSION

Third reading and final passage

HB 98, to provide for substitute ex officio members for the director of fish and game on the pesticide control board.

HB 161, legalizing the annual town meeting of the town of Warren.

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On motion of Rep. Stevenson the House adjourned at 4:10 p.m.

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*Wednesday, 7Feb73*

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**Lord God**, it is so easy for me to be selfish and greedy and call it "common sense." I am so often proud and sentimental and call it "generosity."



Lord of my life, open up my narrow mind, and show me that the goods of this world are tools You have given to help me live in Your world: that they must be used in many places, in many ways: to feed, to clothe, to teach, to please, to encourage, to repair, to rescue, to support, to protect and now and then to make a dream come true.

Lord, sharpen my perspective so that I make decisions with You in mind. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Margaret S. Cote led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Rowell and Nelson, the day, important business.

Reps. Woodward and Buckley, today and tomorrow, important business.

Rep. Underwood, the day, illness.

Rep. Dawson, today and tomorrow, illness.

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### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 335 through 339 and House Joint Resolution number 18 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & HJR

First, second reading & referral

HB 335, to provide for designate alternate members to serve in absence of the regular members of the New England Interstate Water Pollution Control Commission. (Kopperl of Merrimack Dist. 9 — To Resources, Recreation and Development.)

HB 336, providing for the calling of a constitutional convention. (Harvell of Hillsborough Dist. 9 — To Constitutional Revision.)

HB 337, increasing boat registration fees and providing a continuing appropriation of such fees for the use of the division of safety services. (Woods of Rockingham Dist. 22, Parnagian of Strafford Dist. 16 — To Transportation.)

HB 338, authorizing cities and towns to make payment of relocation assistance. (Nutt of Grafton Dist. 13, O'Connor of Hillsborough Dist. 33 — To Municipal and County Government.)

HB 339, providing for voluntary sterilization of certain welfare recipients in consideration of an incentive award and making an appropriation therefor. (Johnson of Cheshire Dist. 3 — To Judiciary.)

HJR 18, making an appropriation for the purchase of a tract of land in Concord, New Hampshire. (Woodward of Merrimack Dist. 20 — To Appropriations.)

### INTRODUCTION OF HCR's

First, second reading & referral

Reps. Merrill of Grafton Dist. 14; Pryor of Coos Dist. 7; Richard L. Bradley of Grafton Dist. 5; Schwaner of Rockingham Dist. 9; Elmer L. Johnson of Cheshire Dist. 3; Patricia Skinner of Rockingham Dist. 3; and Parr of Rockingham Dist. 12 offered the following:

### HOUSE CONCURRENT RESOLUTION NO. 6

To petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools.

### MEMORIAL

To the Honorable Senate and House of Representatives of the United States Congress Together Assembled, . . . . .

We, your memorialists, the Senate and House of Representatives of the State of New Hampshire in General Court Assem-

bled, most respectfully present and petition your Honorable Body as follows:

*Whereas*, Article I of the Amendments to the Constitution of the United States which provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances," has been construed by the United States Supreme Court to not permit organized prayer in public schools; and

*Whereas*, the Legislature of the State of New Hampshire believes that voluntary prayer in public schools should be permitted as being consistent with the guarantees the founding fathers of the United States of America intended; and

*Whereas*, the Legislature of the State of New Hampshire believes that Article 5, Part First, of the Constitution of New Hampshire has recognized every individual's natural and inalienable right to freedom of worship in accordance to the dictates of their own conscience, and this the Legislature of the State of New Hampshire believes to encompass the right of individual students in public schools to voluntarily say prayers of their own choosing on appropriate occasions in accordance with the dictates of their own conscience;

*Now Therefore Be It Resolved*, by the House of Representatives, the Senate concurring:

I. THAT THE LEGISLATURE OF THE STATE OF NEW HAMPSHIRE, hereby, and pursuant to Article V of the Constitution of the United States, make application to the Congress of the United States, to call a convention for the purpose of proposing an amendment to the Constitution of the United States to the effect that: "Voluntary Prayers Shall be Permitted in Public Schools at Appropriate Times, Daily."

II. That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the New Hampshire delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the Legislature of New Hampshire, be sent to each House of each legislature of each state of the United States;

III. That this application hereby made by the legislature of the State of New Hampshire shall constitute a continuing application in accordance with Article V, of the Constitution of the United States until at least two-thirds of the legislatures of the several states shall have made similar applications pursuant to Article V.

Referred to Constitutional Revision.

Reps. Chandler, Merrimack Dist. 3; Pryor, Coos Dist. 7; Brungot, Coos Dist. 8; Horan, Hillsborough Dist 27; and Elmer L. Johnson, Cheshire Dist. 3, offered the following:

#### HOUSE CONCURRENT RESOLUTION NO. 7

To petition Congress to propose the "Liberty Amendment" to the United States Constitution.

#### MEMORIAL

To the Honorable Senate and House of Representatives of the United States of America in Congress Assembled

CONCURRENT RESOLUTION MAKING APPLICATION TO THE CONGRESS OF THE UNITED STATES FOR THE CALLING OF A CONVENTION TO PROPOSE AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES.

We, your Memorialists, the Senate and House of Representatives of the State of New Hampshire in General Court Assembled, most respectfully present and petition your Honorable Body as follows:

*Whereas*, Article V of the Constitution of the United States reads in part as follows: "The Congress . . . on the application of the legislature of two-thirds of the several states shall call a convention for proposing amendment, which, in either case, shall be valid to all intents and purposes, as part of this constitution, when ratified by the legislatures of three-fourths of the several states—"; and

*Whereas*, a total of thirty-four State Legislatures are needed to petition the U. S. Congress to act on "The Liberty Amendment," introduced by Congressman John Rarick of Louisiana, now pending before the Congress as a House Joint Resolution; and

*Whereas*, the "Liberty Amendment" proposes to bar the Federal Government from its unconstitutional business activities; and

*Whereas*, the Federal Government presently owns over seven hundred corporations and hundreds of other business enterprises all of which amount to twenty percent of our nation's industrial capacity; and forty percent of our nation's land area; and

*Whereas*, these unconstitutional government businesses compete with private enterprise and pay no taxes; and

*Whereas*, these government owned businesses lose annually an amount equal to what the federal income tax pays into the Federal Treasury Department; and

*Whereas*, the State Legislature of Texas, Wyoming, Nevada, Georgia, South Carolina, Louisiana and Mississippi have already passed this resolution; and

*Whereas*, the framers of the Constitution of the United States clearly foresaw the possibility of a condition similar to that herein described, and made provision in the Constitution for safeguarding the states against any oppression or invasion of rights by the Federal Government; now therefore,

*Be It Resolved* by the House of Representatives the Senate Concurring:

That the Legislature of the State of New Hampshire hereby and pursuant to Article V of the Constitution of the United States, makes application to the Congress of the United States, to call a convention for the proposing of the following amendment to the Constitution of the United States:

#### ARTICLE ———

"Section 1. The Government of the United States shall not engage in any business, professional, commercial, financial or industrial enterprise except as specified in the Constitution.

"Section 2. The constitution or laws of any State, or the laws of the United States shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

"Section 3. The activities of the United States Government



which violate the intent and purposes of this amendment shall, within a period of three (3) years from the date of ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

“Section 4. Three (3) years after the ratification of this amendment, the sixteenth Article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates or gifts;” and be it further

*Resolved:* That attested copies of this concurrent resolution be sent to the presiding officers of each House of the Congress and to each member of the New Hampshire delegation in Congress, and that printed copies thereof, showing that said concurrent resolution was adopted by the Legislature of New Hampshire, be sent to each House of each legislature of each state of the United States; and be it further

*Resolved:* That this application hereby made by the legislature of the State of New Hampshire shall constitute a continuing application in accordance with Article V, of the Constitution of the United States until at least two-thirds of the legislatures of the several states shall have made similar applications pursuant to said Article V; and be it further

*Resolved:* That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and record of both Houses of Congress, shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be apprised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution; and be it further

*Resolved:* That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such

right in full also carries the power to use such right in part the Legislature of the State of New Hampshire interprets Article V to mean that if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary with the text thereof nor would it have power to propose other amendments on the same or different propositions, and be it further

*Resolved:* That the Legislature of the State of New Hampshire does not, by this exercise of its power under Article V authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof, nor does it authorize any representative of the State of New Hampshire who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof; and be it further

*Resolved:* That by its actions in these premises, the Legislature of the State of New Hampshire does not in any way limit in any other proceeding its right to exercise its power to the full extent; and be it further

*Resolved:* That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.

Referred to Constitutional Revision.

#### HOUSE CONCURRENT RESOLUTION NO. 8

Rep. Bourassa of Hillsborough Dist. 26 offered the following:

memorializing Congress to provide for the uniform opening and closing of all polls in presidential elections.

*Whereas,* the conducting of presidential elections in a fair manner is a matter of vital concern; and

*Whereas,* the polls in presidential elections are presently opened and closed at differing hours because of time differences among the fifty states of the Union; and

*Whereas*, such disparity in opening and closing of the polls may have a prejudicial effect on the conduct of presidential elections;

*Now therefore be it Resolved* by the House of Representatives, the Senate concurring:

That the Legislature of the State of New Hampshire hereby expresses its desire that the polls in presidential elections be open at uniform hours regardless of differences because of varying time zones; and

That the Legislature memorialize the New Hampshire representatives to the Congress of the United States to take immediate action to implement the above request; and

That copies of this Resolution be forwarded to the Washington office of each of the United States senators and representatives from the State of New Hampshire.

Referred to Statutory Revision.

## NOTICE OF RECONSIDERATION

Rep. Newell served notice that today or some subsequent day he will ask for reconsideration of the House action in indefinitely postponing HB 69, relative to salary adjustments and increases for unclassified positions.

## SENATE MESSAGE

### NONCONCURRENCE & REQUEST FOR COMMITTEE OF CONFERENCE

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

Adopted.

The President appointed Sens. Bradley, Blaisdell and Lamontagne.

The Speaker appointed Reps. Greene, Colburn, David J. Bradley, Lint and Milbank.

## QUALIFIED

February 7, 1973

Hon. James E. O'Neil, Sr.  
Speaker, House of Representatives

Dear Mr. O'Neil:

This is to advise that John H. Stimmell was sworn in as Representative for Rockingham County District 1 at the Governor and Council meeting held February 7, 1973.

Edward C. Kelley  
Deputy Secretary of State

## COMMITTEE ASSIGNMENT

Stimmell, John H. to Fish and Game

## EXTENSIONS

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 15, relative to mandatory sentences for heroin pushers.

Granted.

Rep. Hamel moved that the committee on Transportation be granted a six-day extension on HB 10, relative to the registration and operation of off highway recreational vehicles.

Granted.

Rep. Joseph M. Eaton moved that the committee on Constitutional Revision be granted a six-day extension on CACR 8, Relating to: Methods of Proposing Constitutional Amendments. Providing that: Approval by two Biennial Assemblies of the General Court before a Question may be submitted to voters.

Granted.

## COMMITTEE REPORTS

The Speaker called for the Special Orders:

**HB 96**

requiring that alternate members be appointed to city

zoning boards of adjustment. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

This bill has merit in that it will enable Boards of Adjustment to conduct business with full complement of members.

Rep. Sununu offered an amendment.

### AMENDMENT

Amend the title by striking out same and inserting in place thereof the following:

### AN ACT

providing that alternate members may be appointed to zoning boards of adjustment.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Zoning Boards of Adjustment. Amend RSA 31 by inserting after section 67 the following new section:

31:67-a Alternate; Term, Vacancies. The board of adjustment may also consist of between two and five alternate members. Whenever a regular member shall be absent, one of the alternates shall act in his place. Whenever a regular member or an alternate member does not attend a meeting he shall read the minutes of that meeting prior to participating in any subsequent meeting of the board. No member shall vote on any matter brought before the board unless he was present during all hearings held on that matter. When the board is first organized, the legislative body shall establish the number of alternates between two and five and the term for each alternate not to exceed five years. Said alternate members shall be removable by the appointing authority upon written charges, and after public hearing in the same manner as provided in RSA 31:67. Vacancies among the alternates shall be filled for the unexpired term.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appointments; Boards Presently Established. The legislative body of each municipality which has a board of adjust-



ment may establish the number of alternates between two and five and the term for each alternate not to exceed five years.

The clerk read the amendment in full.

Rep. Sununu explained the amendment.

Rep. Benton spoke against the amendment.

Reps. Belair and Sayer spoke in favor of the amendment.

Sununu amendment adopted.

Rep. Sununu spoke against the committee amendment.

Committee amendment lost.

Ordered to third reading.

#### **HB 20**

repealing the statutes relative to the carrying of property for hire by motor vehicles. Ought to pass with amendment. Rep. Hamel for Transportation.

Removes the words "public necessity and convenience" from the common carrier law. All other requirements remain.

Rep. Hamel explained the amendment.

(discussion)

Rep. Coutermarsh moved that HB 20 together with pending amendment be indefinitely postponed and spoke in favor of the motion.

Rep. David J. Bradley moved that HB 20 be recommitted to the committee on Transportation and spoke in favor of the motion.

Reps. George E. Gordon, Hamel, Estabrook and Albert C. Jones spoke in favor of the motion.

Motion adopted.

#### **HJR 3**

making an appropriation to purchase an aircraft for the New Hampshire Aeronautics Commission. Inexpedient to legislate. Rep. Hamel for Transportation.

Plane rental by the Commission now costs only \$3500 per

year. Did not consider \$45,000 to purchase an aircraft justified at this time.

Resolution adopted.

#### HB 68

relative to weights and measures standards. Ought to pass with amendment. Rep. Wuelper for Executive Departments and Administration.

This bill fulfills several requests of the Department of Weights and Measures, including the elimination of four city sealers in cities under 35,000. The amendment is a housekeeping measure that makes the bill conform with what the state treasurer is doing now.

#### AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following new section:

3 Weights and Measures Laboratory Fees. Amend RSA 359:36 (supp), as inserted by 1969, 457:2, by striking out said section and inserting in place thereof the following new section:

359-A:36 Fees. All fees collected by a state inspector or city sealer, and fines, under the provisions of this chapter shall be forwarded to the commissioner of agriculture to be by him forwarded to the state treasurer. The state treasurer shall pay to each city having a city sealer, one-half of all fees collected in said city by state inspectors or city sealers, to be for the use of said city, for the purposes of this chapter, provided that all fees for testing or calibration work done at the state weights and measures laboratory in Concord shall go to the weights and measures fund for the exclusive use of the weights and measures department, and none shall be shared with the city of Concord. Any additional funds over and above the amount allowed by the legislature for appropriation for said function shall be available for further expenditures for said purposes in such amounts as the governor and council may approve.

Amendment adopted.

Referred to Appropriations.

#### HB 67

relative to redistricting Merrimack county district 3. Inex-

pedient to legislate. Rep. Arnold B. Perkins for Municipal and County Government.

Passage of this bill would have been contrary to the concept of "one man — one vote", in that in 1970 neither town had requisite population to justify a representation for that town.

(discussion)

Resolution adopted.

### HB 153

increasing the term of office of the county treasurers, registers of deeds and the registers of probate. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Term of office of county treasurer, register of deeds and register of probate increased from two to four years, with election in "off presidential" years, starting in 1974.

### AMENDMENT

Amend RSA 64:1, II as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

II. There shall be elected by ballot by the qualified voters of the several towns and cities in each county at the biennial election beginning in 1974 a county treasurer, a register of deeds, and a register of probate each of whom shall hold office for a term of four years and until his successor is appointed and qualified and shall take office on January first next succeeding his election.

Amendment adopted.

Ordered to third reading.

### HB 158

legalizing the vote authorizing the issuance of certain bonds by the town of Hanover. Ought to pass. Rep. Randlett for Municipal and County Government.

Self-explanatory.

Ordered to third reading.

**HB 169**

relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Self-explanatory.

**AMENDMENT**

Amend RSA 33:8-a as inserted by section 1 of the bill by striking out the title and paragraph I. of same so that said section as amended shall read as follows:

33:8-a Procedure for Authorizing Bonds or Notes in Excess of One Hundred Thousand Dollars.

I. There shall be at least one public hearing concerning any proposed municipal bond or note issue in excess of one hundred thousand dollars held before the governing board of any municipality. Said hearing shall be held at least fifteen days, but not more than thirty days, prior to the meeting, or any adjourned session thereof, at which the bond or note issue is to be voted upon. Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least seven days before it is held. After the hearing the governing body may determine the form of such articles to be submitted to the voters.

Further amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 190**

relative to the petition for proportionate refund of an operator's license fee. Ought to pass with amendment. Rep. Hamel for Transportation.

Allows refund to people who voluntarily surrender their driver's license because of physical or mental incapacity. Amendment makes the refund only for the full years remaining and makes it a charge against the Highway Fund.

## AMENDMENT

Amend RSA 262:41-a as inserted by section 1 of said bill, by striking out in line three the word "term" and inserting in place thereof the following (full years), and by striking out in line seven the words "motor vehicle operator's" and inserting in place thereof the following (highway) so that said section as amended shall read as follows:

262:41-a Petition for License Fee Refund. An operator, whose license has been voluntarily surrendered because of physical or mental capacity, may petition the director for refund of his fee for the unexpired full years of his license. Should the petition be granted, the director shall certify that fact to the state treasurer and the treasurer shall pay the refund to the petitioner. The governor is authorized to draw his warrants for such sums which shall be a charge against the highway fund.

Amendment adopted.

Ordered to third reading.

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RESOLUTIONS

Rep. Meserve offered the following:

*Whereas*, we have learned with sorrow of the death of Napoleon Habel, former Representative from Somersworth, and

*Whereas*, Napoleon Habel served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Napoleon Habel, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

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On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at



the late session to be in order at the present time, that third reading of bills be by title only, and resolutions by caption only and that when the House adjourns today, it be to meet tomorrow at 11 a.m.

### LATE SESSION

#### Third reading and final passage

HB 96, providing that alternate members be appointed to zoning boards of adjustment.

HB 158, legalizing the vote authorizing the issuance of certain bonds by the town of Hanover.

HB 153, increasing the term of office of the county treasurers, registers of deeds and the registers of probate.

(Rep. George B. Roberts, Jr. in the Chair)

HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

HB 190, relative to the petition for proportionate refund of an operator's license fee.

### NOTICE OF RECONSIDERATION

Rep. Hanson served notice that today or some subsequent day he will ask reconsideration of the House action in its passage of HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

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On motion of Rep. Roma A. Spaulding, the House adjourned at 4:10 p.m.

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*Thursday, 8Feb73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu who requested a moment of silent prayer for Col. Shepard and Mrs. Kenneth Bell.

Written by Lincoln in Sept. 1862, Meditation on the Divine Will.

The will of God prevails. In great contests each party claims to act in accordance with the will of God. Both may be, and one must be, wrong. God cannot be for and against the same thing at the same time. In the present civil war, it is quite possible that God's purpose is something different from the purpose of either party; and yet the human instrumentalities, working just as they do, are of the best adaptation to effect His purpose. I am almost ready to say that this is probably true; that God wills this contest, and wills that it shall not end yet. By His mere great power on the minds of the now contestants, He could have either saved or destroyed the Union without a human contest. Yet the contest began. And, having begun He could give the final victory to either side any day. Yet the contest proceeds. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Lawton led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Rowell, Ackerson and Bouchard, the day, illness.

Reps. John H. Perkins, Erickson and Kincaid, the day, important business.

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#### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 340 through 350 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 340, relative to the use of seat belts in motor vehicles.  
(Sullivan of Hillsborough Dist. 23 — To Transportation.)

HB 341, changing the date for distribution of sweepstakes funds. (Noble of Merrimack Dist. 21 — To Ways and Means.)

HB 342, relative to liability for support for relatives. (Leighton of Strafford Dist. 13 — To Judiciary.)

HB 343, relative to the disposal of dog license fees. (Karnis of Hillsborough Dist. 4 — To Municipal and County Government.)

HB 344, relative to unlicensed dogs. (Karnis of Hillsborough Dist. 4 — To Municipal and County Government.)

HB 345, relative to licensing and restraining dogs. (Karnis of Hillsborough Dist. 4 — To Municipal and County Government.)

HB 346, appropriating additional funds for the New Hampshire State Port Authority. (Dame of Rockingham Dist. 20, Marsh of Belknap Dist. 2, Gay of Rockingham Dist. 4 — To Appropriations.)

HB 347, to increase the fees for a recount for a delegate to a national convention. (Perkins of Hillsborough Dist. 8 — To Statutory Revision.)

HB 348, relative to notice of hearing by zoning board of adjustment. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 349, relative to census of persons as of April first. (Bednar of Hillsborough Dist. 14 — To Statutory Revision.)

HB 350, relative to licensing games of beano. (Bednar of Hillsborough Dist. 14 — To Ways and Means.)

### EXTENSIONS

Rep. Joseph M. Eaton moved that the committee on Constitutional Revision be granted a six-day extension on CACR 9, Relating to: Number of Senators and Representatives Required for Proposed Constitutional Amendments. Providing that: The Senate and House of Representatives, Voting Separate May Propose Amendments by a Two-Thirds Vote.

Granted.

Rep. Clafin moved that the committee on Resources, Recreation and Development be granted a six-day extension on

HB 73, providing for better control over subdivision development of land in New Hampshire.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 28, requiring the sale of soft drinks and alcoholic malt beverages in returnable containers.

Granted.

Rep. Bigelow moved that the Committee on Banks and Insurance be granted a six-day extension on HB 80, regulating mass marketing of property-liability insurance.

Granted.

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 9, to provide for the adoption of absentee voting at certain town, village district and school district annual elections.

Granted.

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 14, establishing a maximum third day residency requirement for voting.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 61, repealing sections of the statutes relative to abortion.

Granted.

## SUSPENSION OF RULES

Rep. Bigelow moved that the rules of the House be so far suspended as to allow the granting of an extension to the committee on Banks and Insurance on HB 79, to implement a guaranteed protection plan of motor vehicle insurance, no later than April 1.

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### HB 1

relative to the qualification and appointment of the super-

intendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital. Ought to pass. Rep. Drake for Appropriations.

The committee concluded this legislation was necessary to provide the best possible administration of the State Hospital and that the new position of Assistant Superintendent for professional services would permit upgrading of the quality of professional services.

Ordered to third reading.

### SUSPENSION OF RULES

Rep. Drake moved that the rules of the House be so far suspended as to place HB 1 on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

### COMMITTEE REPORTS CONTINUED

#### HCR 1

that no draftee in the armed forces of the United States, against his will, shall be sent beyond the continental limits of United States, except in a war specifically declared by an act of the Congress of the United States. Inexpedient to legislate. Rep. White for Claims, Military and Veterans Affairs.

This resolution would provide that draftees would not be required to serve beyond the continental limits of the United States.

Resolution adopted.

#### HB 70

providing for the withdrawal of the town of Londonderry from Supervisory Union No. 10. Majority: Inexpedient to legislate; Rep. Rock for Education. Minority: Ought to pass. (Reps. William P. Boucher, Albert C. Jones and Hager).



The majority of the committee on Education adopted the recommendations of the subcommittee. The committee strongly recommends that the State Board of Education and Londonderry School Board continue to fund or attempt to find a solution more palatable to Londonderry.

The Londonderry School District has been "pending" study committee reports long enough, since 1969. The minority feels that by increasing the present Supervisory Unions from 42 to 43, would not destroy the entire educational system of New Hampshire.

Rep. William P. Boucher moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Lyons and Chambers spoke against the motion.

Reps. Nelson, George J. Thibeault, Albert C. Jones, Patrick, Barka and Lawton spoke in favor of the motion.

Rep. Bednar moved that HB 70 be referred to a special interim committee of the Senate and House Education Committee and consider all similar bills together with the interim report due May 1st from the Supervisory Union Task Force and report back to the House no later than June 1, 1973.

Rep. Senter gave a brief history of the previous study committee.

Rep. Horan spoke against the motion.

Rep. Boisvert moved the previous question on all pending motions.

Sufficiently seconded.

Adopted.

Question being on Rep. Bednar's motion.

Motion lost.

Question being on Rep. William P. Boucher's motion, that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

A division was requested.

It being manifestly in the affirmative, the motion prevailed.

Ordered to third reading.

#### **HB 191**

to require the state and its political subdivisions to obtain liability insurance. Inexpedient to legislate. Rep. Leighton for Banks and Insurance.

Covered by pending legislation.

Rep. Bigelow moved that HB 191 be laid on the table.

Adopted.

#### **HB 88**

relative to the time of taking office by school district officers elected at town meetings. Ought to pass with amendment. Rep. T. Anne Webster for Education.

This worthwhile bill seemed to be purely enabling legislation and was viewed as a good bill.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **An Act**

relative to the election of officers of  
cooperative school districts at town meeting and  
the time of taking office.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Cooperative School District Officers. Amend RSA 197:1-a (supp) as amended by striking out said section and inserting in place thereof the following:

197:1-a Election at Town Meeting.

I. As used in this section the words "any school district" shall mean (a) a school district which is coextensive with the town in which it is located, or (b) a cooperative school district composed of pre-existing districts which were each coextensive with the towns in which they are located, or (c) a cooperative

school district which is composed of a pre-existing cooperative, as defined in (b) and other school districts as defined in (a).

II. Any school district as defined in paragraph I may at any annual school meeting or at any special meeting under an article in the warrant for such meeting, vote to elect its district officers by separate ballot at the annual town meeting in such town, and may rescind such action in like manner. Such action shall not take effect until the calendar year next following the year in which such action is taken. The newly elected officers shall take office at the close of the town meeting at which they are elected; however, if the annual school district meeting is held subsequent to this town meeting, they shall take office at the close of the annual school district meeting; provided, however, that the treasurer shall take office at the close of the fiscal year of the school district. The oath of office shall be administered to said officers by the school district moderator, assistant moderator or town clerk in accordance with RSA 42:1.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

#### **HB 219**

relative to preparation of budget for University of New Hampshire. Inexpedient to legislate. Rep. Rock for Education.

This bill was withdrawn by the sponsor because the matter concerned was more fully covered in another bill which will be presented.

Resolution adopted.

#### **HB 258**

relative to the debt limit of the Londonderry school district. Ought to pass. Rep. Lyons for Education.

This bill allows the School District of Londonderry to exercise local option.

Ordered to third reading.

#### **HB 110**

relative to tampering with or damaging vessels. Ought to pass with amendment. Rep. Close for Judiciary.

Amendment limits scope of bill to making the letting loose of a boat a violation.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

relative to maliciously letting loose vessels.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Interference with Vessels. Amend RSA 270 by inserting after section 26 the following new section:

270:26-a Interference with a Vessel. No person shall, without the consent of the owner of the vessel, willfully or maliciously cut away or let loose any vessel which is fastened to any mooring place or lying at anchor. Whoever violates the provisions of this section shall be guilty of a violation.

2 Effective Date. This act shall take effect November 1, 1973.

Amendment adopted.

Ordered to third reading.

### HB 166

repealing the law prohibiting adultery. Majority: Ought to pass. (Rep. McManus for Judiciary.) Minority: Inexpedient to legislate. (Rep. Daniel J. Healy) .

Removes from the statutes the section which makes adultery a misdemeanor.

Rep. Close moved that HB 166 be made a special order of business Wednesday next and spoke in favor of the motion.

Rep. Albert C. Jones spoke in favor of the motion.

Motion adopted.

### HB 220

relative to the duties of the Merrimack county treasurer. Ought to pass with amendment. Rep. Kopperl for Merrimack County Delegation.

Centralizes powers relating to receipt and disbursement of funds of the Merrimack county treasurer.

#### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Additional Duties of Merrimack County Treasurer. Amend RSA 29 by inserting after section 1 the following new sections:

29:1-a Merrimack County Treasurer. In addition to the duties set out in RSA 29:1, the Merrimack County Treasurer shall be responsible for the payment of all bills, claims, payrolls, fees, orders and like obligations of the county of Merrimack. He shall make payment upon commissioners' or court orders upon sufficient manifest stating the nature of the claims for payment providing there has been an appropriation therefor or payment has been provided for in the county budget. All payments shall be by check and shall require the authorization and signature of the county treasurer to be valid. A facsimile signature in accordance with RSA 93-A is authorized.

29:1-b Supervisory Authority of the Merrimack County Treasurer. Notwithstanding any other provisions of the law, all employees heretofore or hereafter engaged in clerical, book-keeping or accounting work in connection with the payment of Merrimack county obligations, shall be transferred in whole or in part according to the scope of their duties as being an integral part of the county treasurer's responsibilities, to the direction and control of the Merrimack county treasurer. The commissioners shall provide the treasurer with office space, furniture, equipment and other necessities as needed for the treasurer to carry out the functions of his office as provided for in this chapter. The salary of the treasurer and such employees as shall hereafter be under his direction and control shall be established upon the recommendation of the county convention's executive committee and as provided for and approved by the county convention by their budget approval. The treasurer may appoint one of said transferred employees to act in his temporary absence.

2 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Ordered to third reading.



**HB 137**

delegating authority to a registered nurse to pronounce the death of a patient in the absence of a physician. Inexpedient to legislate. Rep. Elizabeth E. Goff for Public Health and Welfare.

The committee suggested that the board of Nursing and the board of Medicine establish an administrative policy concerning the pronouncement of death in long term illness in nursing homes.

Rep. Horan moved that HB 137 be made a special order for Tuesday, April 10, and spoke in favor of his motion.

Rep. Edward A. Johnson moved that HB 137 be laid on the table.

Rep. Johnson's motion lost.

Rep. Donald K. Howard spoke against the motion.

Rep. Horan's motion lost.

The question being on the adoption of the committee report, inexpedient to legislate.

Resolution adopted.

**HB 196**

relative to educational requirements for a chiropractor's license. Inexpedient to legislate. Rep. Beaulieu for Public Health and Welfare.

Committee feels educational entrance requirements are established by Chiropractic Colleges and needs no legislation at this time.

Resolution adopted.

**HB 7**

providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Admits residents over seventy to state recreation areas without charge; those sixty-five to seventy at half price; does not cover "uphill devices" on Saturdays and Sundays or special charges such as parking meters.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 State Recreational Areas. Amend RSA 218 by inserting after section 5-a the following new section:

218:5-b Admission Without Charge. Any person who is a resident of this state and who has attained the age of seventy shall, upon proper identification, be admitted to any state recreation area, including but not limited to parks, historical sites, beaches and ski areas, without charge. Any resident between sixty-five and seventy years of age shall be admitted at half price. Persons qualifying under this section shall be allowed to use any state-owned facility within the recreation area without charge for the use of the facility, except persons qualifying under this section shall be charged the usual fee for the use of so-called "uphill devices" on Saturdays and Sundays. Provided further that other special charges at state-owned recreation areas, such as fees charged for parking meters, shall be charged persons qualifying under this section at the usual rates. The provisions of this section shall not apply to state-owned campsites or camping areas.

Amendment adopted.

Ordered to third reading.

**HB 13**

prohibiting motorboats powered by fuel on Brindle Pond. Ought to pass with amendment. Rep. Clafin for Resources, Recreation and Development.

Prohibits petroleum powered boats from Brindle Pond in Barnstead.

## AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 165**

relative to granting of licenses for hawkers and peddlers. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

The bill as amended requires corporations to post a \$5000 surety bond and each employed salesman to post a \$1000 surety bond. The present law requiring individual "hawkers and peddlers" to post a \$1000 surety bond will remain in effect.

Rep. Greene moved that HB 165 be recommitted to the committee on Statutory Revision and spoke in favor of the motion.

Rep. Russell C. Chase spoke in favor of the motion.

Motion adopted.

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On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today, it be to meet Tuesday next at 1:00 p.m.

**LATE SESSION****Third reading and final passage**

HB 70, providing for the withdrawal of the town of Londonderry from Supervisory Union No. 10.

HB 88, relative to the election of officers of cooperative school districts at town meeting and the time of taking office.

HB 258, relative to the debt limit of the Londonderry school district.

HB 110, relative to maliciously letting loose vessels.

HB 220, relative to the duties of the Merrimack county treasurer.

HB 7, providing that resident persons who have attained the age of sixty-five shall be admitted without charge to certain state recreational areas and allowed the use of facilities therein without charge.

HB 13, prohibiting motorboats powered by fuel on Brindle Pond.

### RECONSIDERATION

Rep. William P. Boucher moved reconsideration on HB 70, providing for the withdrawal of the town of Londonderry from Supervisory Union No. 10, and spoke against the motion.

Motion lost.

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Rep. Hanson withdrew Notice of Reconsideration on HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

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### NOTICE

Committees that make amendments to bills must provide clerk's office with the original copy of the amendment when they file the report.

### RESOLUTIONS

Rep. Margaret S. Cote offered the following:

*Whereas*, It is desirable that older citizens continue to dwell in their own homes as long as possible, this being far more satisfactory to them and much less expensive to the State than housing them in institutions, and

*Whereas*, At least two thirds of those over 65 years of age in New Hampshire own their own homes, and

*Whereas*, The households of two thirds of those over 65 years of age have incomes below the generally accepted poverty level, and

*Whereas*, These people of limited means are paying a disproportionately high percentage of their meager incomes for property taxes,

*Be It Resolved*, That we, members of the *New Hampshire Association for the Elderly*, assembled in Annual Conference on

this twelfth day of October, 1972, do by unanimous vote protest the inequity of the present structure of property taxation, and

*Be It Resolved*, That copies of these RESOLUTIONS be presented to the Sergeant-at-Arms of the House of Representatives for distribution to all members of the House at the beginning of the Session of 1973.

Adopted.

### RESOLUTIONS

Rep. Gay, for the Derry Delegation offered the following:

*Whereas*, we have learned with sorrow of the death of Colonel Alan B. Shepard, of Derry, and

*Whereas*, Colonel Alan B. Shepard was the proud father of the first American in space, and

*Whereas*, Colonel Alan B. Shepard served his country faithfully and courageously for thirty-three years in the United States Army, rising to the rank of Lieutenant Colonel, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Colonel Alan B. Shepard, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted.

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On motion of Rep. Gay the House adjourned at 1:02 p.m. in the memory of Col. Alan B. Shepard, Sr., father of Admiral Alan B. Shepard, Jr.

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*Tuesday, 13Feb73*

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.



God, Our Father, you have given me another day of grace,  
another day to live:

to speak to someone,  
to ask for something,  
to take something,  
to give something.

Whatever I make of this day  
Whatever I become this day  
I put in your hands.

Amen.

### PLEDGE OF ALLEGIANCE

Rep. Bernard led the Pledge of Allegiance.

### INTRODUCTION OF GUESTS

Rep. Coutermarsh introduced Lt. Zuretti and Capt. Kennedy, representing Women in the Army, who addressed the House briefly.

### LEAVES OF ABSENCE

Reps. Rowell and Montplaisir, the day, illness.

Rep. Senter, the day, illness in family.

Rep. Maynard, today and tomorrow, illness.

Rep. Dawson and Close, the week, illness.

Rep. Belair, four days, important business.

Rep. Read, the week, important business.

Rep. Tucker, the day, important business.

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### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 351 through 374 and House Joint Resolutions numbered 19 and 20 shall be by this resolution read a first and second time by the therein listed titles, laid

on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & HJR's

First, second reading & referral

HB 351, relative to posting of electrical transmission lines. (Estabrook of Rockingham Dist. 10 — To Public Works.)

HB 352, relative to statewide school food and nutrition programs. (D'Allesandro of Hillsborough Dist. 34 — To Education.)

HB 353, regulating halfway houses. (Knight of Hillsborough Dist. 8 — To Public Health and Welfare.)

HB 354, relating to arrest without a warrant. (Mattice of Merrimack Dist. 10, Hamel of Rockingham Dist. 11 — To Judiciary.)

HB 355, providing that a test showing a blood alcohol content of ten-hundredths percent or over shall be conclusive evidence of intoxication in cases of driving while intoxicated. (Tarr of Merrimack Dist. 17 — To Transportation.)

HB 356, relative to abandoning animals. (Karnis of Hillsborough Dist. 4 — To Environment and Agriculture.)

HB 357, relative to officers and employees in county government holding elective office in the legislature. (Colburn of Hillsborough Dist. 6 — To Municipal and County Government.)

HB 358, relative to overtime pay for nursing home employees. (Murray of Belknap Dist. 9 — To Public Health and Welfare.)

HB 359, relative to the limitations on the loaning authority of Cooperative Banks, Building and Loan Association, and Savings and Loan Associations. (Thompson of Merrimack Dist. 1 — To Banks and Insurance.)

HB 360, prohibiting motorists from picking up pedestrians on a limited access highway. (Daniels of Hillsborough Dist. 25 — To Transportation.)

HB 361, relative to giving eighteen year old residents of New Hampshire full majority. (Perkins of Hillsborough Dist. 8 — To Judiciary.)

HB 362, to reclassify a certain highway in the town of Whitefield. (Burns of Coos Dist. 4 — To Public Works.)

HB 363, relative to persons qualified to vote. (Sanborn of Rockingham Dist. 9 — To Statutory Revision.)

HB 364, to abolish artificial and unrealistic limitation on recovery for wrongful deaths in New Hampshire. (McEachern of Rockingham Dist. 23 — To Judiciary.)

HB 365, relative to the administration of county jails and houses of correction. (Plumer of Strafford Dist. 4 — To Municipal and County Government.)

HB 366, to require approval of a supervisory union budget by the voters of each school district. (Thibeault of Rockingham Dist. 3, Soule of Rockingham Dist. 3 — To Education.)

HB 367, authorizing a preliminary breath alcohol intoxication test. (Coutermarsh of Hillsborough Dist. 24 — To Transportation.)

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor. (Frizzell of Sullivan Dist. 7 — Raymond of Cheshire Dist. 12 — To Appropriations.)

HB 369, increasing the salaries of classified state employees and making an appropriation therefor. (Cote of Hillsborough Dist. 28, McDonough of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 370, relative to the appointment and removal of medical referees by the county commissioners. (Plumer of Strafford Dist. 4 — To Municipal and County Government.)

HB 371, removing by-standers from conviction under the controlled drug act. (Horan of Hillsborough Dist. 27 — To Judiciary.)

HB 372, relative to lowering the unrestricted issuance of driver's permit to age sixteen. (Horan of Hillsborough Dist. 27 — To Transportation.)

HB 373, relative to taking lobsters and crabs from navigable channels in the tidal waters of the state of New Hampshire. (Maynard of Rockingham Dist. 18, Woods of Rockingham Dist. 22 — To Fish and Game.)

HB 374, relative to compensating towns for the loss of tax revenue due to the acquisition of land by the fish and game department. (Huggins of Coos Dist. 1 — To Fish and Game.)

HJR 19, relative to operating expenses and equipment outlay incurred by the University of New Hampshire on behalf of the New Hampshire Network. (Greene of Rockingham Dist. 17 — To Appropriations.)

HJR 20, transferring certain accumulated income to the principal of the special teacher competence fund. (Saggiotes of Sullivan Dist. 6 — To Appropriations.)

## SENATE MESSAGES

### CONCURRENCE

HB 47, relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home.

### DISCHARGE COMMITTEE OF CONFERENCE

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

### CONCURRENCE SB WITH HOUSE AMENDMENT

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

### INTRODUCTION OF HCR

First, second reading & referral

Rep. Daniell offered the following:

### HOUSE CONCURRENT RESOLUTION NO. 9

On Impeachment of President Richard M. Nixon

*Whereas*, recent history disclosed that throughout the world democratic governments are being replaced by reactionary dictatorships such as Hitler in Germany and Castro in Cuba; and

*Whereas*, the price of freedom is eternal vigilance; and

*Whereas*, President Richard M. Nixon has shown his complete contempt for our constitutional form of government by many unconstitutional acts, among them:

1. The carrying on of protracted wars in Laos, Cambodia and Vietnam without a congressional declaration of war;

2. Conscious and deliberate acts to humiliate and emasculate Congress by:

a. Refusal either personally or through his agents to inform Congress in advance of contemplated actions of world importance;

b. Refusal to carry out the programs and legislation passed by Congress;

c. a studied evasion of the fundamental principle of our constitution calling for balanced executive legislative and judicial branches of the government.

3. The toleration of grossly negligent or criminal acts by his close subordinates resulting in such national scandals as:

a. The Watergate affair;

b. The Soviet grain deal resulting in millions of dollars of profit to insiders and substantially higher bread prices for our citizens;

c. Open bribery of the government as shown by the ITT and the milk distributors contributions to the Nixon Presidential campaign funds;

4. A deliberate attempt to provoke revolution leading to his dictatorship through:

a. Cancellation or reduction of some seventy social action programs involving such things as housing, education, slum eradication, hospitals and unemployment relief;

b. Artificial stimulation of bread and fuel prices through subsidized grain deals for benefit to the Russians and a phony oil shortage engineered by the national and world oil companies;

c. Refusal to remedy or recognize the problems of minorities, particularly the blacks, in the fields of civil rights and economic welfare;



d. Attempted control of news media through harassment and blackmail.

*Now Therefore Be It Resolved*, that the House of Representatives, the Senate concurring, of the state of New Hampshire in General Court convened that in order to preserve our democracy, to maintain a balanced executive legislative and judicial government, and protect the general public from an aristocracy of wealth and the military industrial complex, steps should be taken by the United States Senate to commence impeachment proceedings against President Richard M. Nixon, and

*Be it further resolved* that copies of these resolutions be sent by the Secretary of State to Congressmen James Cleveland and Louis Wyman; Senators Thomas McIntyre and Norris Cotton, Vice President Spiro Agnew and President Richard M. Nixon.

Referred to Rules Committee.

### ENROLLED BILLS REPORT

HB 47, relative to changing the name of the New Hampshire Soldiers' Home to the New Hampshire Veterans' Home.

Mary P. Chambers  
*For the Committee.*

### COMMITTEE REPORTS

#### HB 249

relative to the power of Castle Junior College to grant a degree. Ought to pass. Rep. William P. Boucher for Education.

This bill has the expressed support of the state of New Hampshire Coordinating Board of Advanced Education and Accreditation.

Ordered to third reading.

#### HB 259

relative to a state scholarship program for students who are residents of the state and attending post secondary educational institutions in this state, and making an appropriation therefor. Ought to pass. Rep. Albert C. Jones for Education.

This bill provides an incentive for local scholarship groups and committees to fund scholarships to worthy and needy students to *in state* institutions.

Referred to Appropriations.

#### **HB 287**

prohibiting competitive food sales during regular scheduled lunch hours on public school property. Inexpedient to legislate. Rep. T. Anne Webster for Education.

This bill would remove necessary local controls and was deemed by the committee to be an issue for local option. It would be impossible to enforce in many schools.

Resolution adopted.

#### **HB 75**

providing for stricter mandatory fines under litter control law. Ought to pass with amendment. Rep. Dunham for Environment and Agriculture.

Puts a floor of \$50.00 and a ceiling of \$250.00 on the fines for littering.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

relative to fines for depositing litter in prohibited areas.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mandatory Fines. Amend RSA 163-B:4, I (supp) as inserted by 1971, 144:1 by inserting in line two after the word "of" the following (not less than fifty dollars nor more than two hundred fifty) so that said paragraph as amended shall read as follows:

I. Any person violating the provisions of RSA 163-B:3 is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than two hundred fifty dollars or imprisonment for three days, or both such fine and imprisonment, or, in lieu thereof, in the

sound discretion of any court in which conviction is obtained, any such person may be directed by the judge of such court to pick up and remove from any public street or highway or public or private right-of-way, or public beach or public park, or, with prior permission of the legal owner or tenant in lawful possession of such property, any private property upon which it has been established by competent evidence that he has deposited litter, any and all litter deposited thereon by anyone prior to the date of execution of sentence.

2 Dumping of Refuse; Penalty. Amend RSA 262-A:83 (supp) as inserted by 1963, 330:1, as amended, by striking out in line nine the words "one hundred" and inserting in place thereof the following (two hundred fifty) so that said section as amended shall read as follows:

262-A:83 Throwing, Depositing and Dumping of Refuse; Penalty. If any person shall put or place, or cause to be put or placed, in or upon any highway, highway right-of-way, street, square, lane, alley, public bathing place or the approaches thereto, or into or on the ice over any public water, streams or watercourse or other public place in any city or town any bottles, glass, crockery, cans, scrap metal, junk, paper, garbage, old automobile or parts thereof, or refuse of any nature whatsoever or any noxious thing, he shall be fined not less than fifty nor more than two hundred fifty dollars. Provided that nothing herein shall be construed as affecting authorized collections of such articles as garbage or refuse.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

## RECONSIDERATION

Rep. Newell moved reconsideration of HB 69, relative to salary adjustments and increases for unclassified positions, and spoke against the motion.

Objection to HB 69 by Rep. Newell:

I object to the continuation of laws which place a committee of the legislature in the way of the executive thereby

diluting his responsibility for the "faithful execution of the laws." RSA 94:3-b (supp) and RSA 98:17-c (supp) are two of such laws which HB 69 sought to change.

Rep. Newell withdrew his motion.

### COMMITTEE REPORTS CONTINUED

#### HB 93

relative to state employment of a state legislator or governor's councilor. Inexpedient to legislate. Rep. Hoar for Executive Departments and Administration.

The definition of state employment is not made clear in the bill, we questioned the constitutionality, and felt it might prevent some good men from serving the state.

Resolution adopted.

#### HB 100

decreasing the membership of the data processing commission. Inexpedient to legislate. Rep. Withington for Executive Departments and Administration.

The committee felt that the two legislative members of the data processing commission served the public and the legislative interest.

Objection to HB 100 by Rep. Newell.

I object to laws forcing the executive to appoint legislators to offices in the executive department. RSA 8-C:6 (supp) is one such law which HB 100 sought to change. It affected membership on the Centralized Data Processing Commission. Killing the bill continues an undesirable precedent of intrusion of the legislature into the executive branch and encourages further intrusions.

Resolution adopted.

#### HB 107

relative to restricting a lame duck governor's appointive and nominating powers. Inexpedient to legislate. Rep. Noble for Executive Departments and Administration.

This bill would require a constitutional amendment to redefine the term of the Governor.

Resolution adopted.

**HB 115**

relative to the notification of certain members of the general court prior to the adoption of any regulations by state agencies. Inexpedient to legislate. Rep. Charles B. Roberts for Executive Departments and Administration.

Although the committee supports publication of agency rules, it questioned the cumbersome process of informing standing legislative committees before any changes can be made.

Resolution adopted.

**HB 122**

providing for rules of professional conduct in the practice of engineering. Ought to pass with amendment. Rep. Withington for Executive Departments and Administration.

Most engineers support rules for professional conduct as they have in other states. The amendment requires a public hearing.

**AMENDMENT**

Amend the bill by inserting after section 1 the following new section:

2 Requirement for Public Hearings. Amend RSA 319 by inserting after section 8 the following new section:

319:8-a Public Hearings. Before adopting or amending rules of professional conduct, the board shall advertise in at least one newspaper of statewide circulation giving notice of at least one public hearing that shall be conducted by the board. Such notice of the public hearing shall be given not less than fourteen nor more than forty-five days prior to said hearing. The board shall furnish a copy of any proposed rules of professional conduct to all registered engineers in the state along with the notice of scheduled hearing at least forty-five days prior to said hearing.

Further amend the bill by renumbering sections 2 and 3 to read 3 and 4, respectively.

Amendment adopted.

Ordered to third reading.

**HB 182**

providing for the perambulation of the New Hampshire-



Massachusetts boundary line and funding the perambulation of the New Hampshire-Maine boundary line and making appropriations therefor. Ought to pass. Rep. Palfrey for Executive Departments and Administration.

This perambulation is long overdue and necessary for tax, fish and game, police and highway matters. Massachusetts and Maine have voted matching funds for the past several years.

Referred to Appropriations.

#### **HB 8**

repealing the bounty on bobcats, establishing a closed season on bobcats, and relative to field trials for dogs. Ought to pass with amendment. Rep. Tuttle for Fish and Game.

Repeals the bounty on bobcat.

#### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

repealing the bounty on bobcats.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

#### **HB 64**

relative to a mandatory penalty for illegal sales of narcotics for profit. Inexpedient to legislate. Rep. Nighswander for Judiciary.

Gives mandatory sentences for illegal sales or gifts of narcotics with no discretion on the part of the judge who would otherwise take into consideration extenuating circumstances, probation department reports, etc. By this bill the addict even though rehabilitated must still serve a mandatory prison term following his rehabilitation. Unanimous vote by committee.

Rep. T. Anne Webster moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Nighswander, McManus and Record spoke against the motion.

Rep. Twigg spoke in favor of the motion.

Rep. Gorman moved that HB 64 be made a special order of business for March 13 and spoke in favor of the motion.

Reps. Huot, Coutermarsh and Zachos spoke against the motion.

Rep. Webster spoke a second time in favor of her motion.

Rep. Ellis moved the previous question on all pending motions.

Sufficiently seconded.

Adopted.

Rep. Soule requested a division.

Question being on the motion that HB 64 be made a special order for March 3.

It being manifestly in the negative the motion lost.

Question being on the motion to substitute the words, ought to pass, for the committee report, inexpedient to legislate.

Motion lost.

Question being on the adoption of the committee report, inexpedient to legislate.

Rep. Soule requested a roll call.

Seconded by Reps. Webster, George J. Thibeault, Richard L. Bradley, Metcalf and Estabrook.

Question: Adoption of Committee Report Inexpedient to Legislate.

ROLL CALL

YEAS; 284 NAYS; 63

ROCKINGHAM COUNTY:

King, Stimmell, Benton, Davis, Roy W., Wilson, Helen F.,

Skinner, Barka, Gay, Gorman, MacGregor, DeCesare, Goff, Elizabeth E., Roy, Vesta M., Southwick, Stevens, William J., Tuttle, Spollett, Webster, Clarence L., White, Cummings, Vey, Erler, Goodrich, Hoar, Sanborn, Simard, Tavitian, Rogers, Hamel, Akerman, Cunningham, Brown, Benjamin A., Collishaw, Eastman, Page, Sewall, Twardus, Scamman, Simmons, Stevens, Elliot A., Ellis, Weeks, Greene, Hammond, Lockhart, Palfrey, Griffin, Splaine, Cotton, Dame, McEachern, Joseph A., Connors, Hodgdon, McEachern, Paul.

**STRAFFORD COUNTY:**

Canney, Beckett, Dudley, Tirrell, Maloomian, Hebert, Meserve, Tanner, Thompson, Barbara C., LaRoche, Sylvain, Boisse, Bernard, Kincaid, O'Connor, Roderick H., McManus, Pray.

**SULLIVAN COUNTY:**

Townsend, Sara M., Barrus, Buckley, Spaulding, Roma A., Brodeur, Burrows, D'Amante, Lewko, Scott, Frizzell, Olden, Williamson.

**BELKNAP COUNTY:**

French, Lawton, Matheson, Nighswander, Wuelper, Roberts, Charles B., Roberts, George B., Hood, Huot, Hildreth, Pierce, Sabbow.

**CARROLL COUNTY:**

Cox, Davis, Esther M., Duprey, Davis, Dorothy W., Chase, Claflin, Allen.

**CHESHIRE COUNTY:**

Galloway, Johnson, Edward A., Stevens, Anthony, Johnson, Elmer L., Ladd, Slicer, Whipple, Dunham, Hackler, McGinness, Savage, Gordon, Anne B., Milbank, Helie, Wayne E., Raymond, Saunders, Heald, Cleon E., Streeter, Nims, Drew, Scranton.

**COOS COUNTY:**

Patrick, Hunt, Drake, Burns, Kidder, Victor L., Oleson, Fortier, Desilets, Gagnon, Theriault.

**GRAFTON COUNTY:**

Gallen, Tilton, Chamberlin, Stevenson, Mann, Ezra B., Altman, Jones, Albert C., Warren, Roger K., Gemmill, Bell, Webb, Bradley, David J., Chambers, Copenhaver, Nutt, Duhaime, Hough, Merrill, Townsend, Madeline G.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Cary, Murray, Fred E., Karnis, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Colburn, Thomson, Harold E., Clougherty, Fletcher, Knight, Messina, Perkins, Arnold B., Harvell, Nelson, Van Loan, Bragdon, Brown, G. Winthrop, Spalding, Kenneth W., Carter, Ferguson, Boyd, Hall, Carswell, Dwyer, Geiger, Lint, Lyons, Alukonis, Bednar, Bergeron, Nutting, Polak, Smith, Leonard A., Currier, Richardson, John W., Seamans, Ethier, McLaughlin, Rock, Cobleigh, Parker, Gerry F., Record, Zechel, Trombly, Woodruff, Cote, Margaret S., Winn, Charest, Lachance, Lefebvre, McGlynn, Migneault, Chasse, Romeo A., Mason, Ouellette, Wilcox, Coutermarsh, Erickson, Lebel, Daniels, Milne, Zachos, Ackerson, Nardi, Smith, Craig D., Spirou, Bruton, Cote, Joseph L., Shea, Barrett, William F., Dupont, Healy, Daniel J., McDonough, Conway, Gardner, Sullivan, Mary J., Beaulieu, Champagne, Gelinas, Healy, George T., MacDonald, O'Neil, Dortha M., Thibeault, P. Robert, Vachon, D'Allesandro, Gilmore, Lynch, Lamy, Levasseur, Allard, Bernier, Lambert, Lesmerises.

## MERRIMACK COUNTY:

Kidder, William F., Thompson, Arthur E., Sherman, Jones, Donald P., Parker, Harry C., Deoss, Hanson, Boucher, Laurent J., Enright, Goff, John B., Bartlett, Perkins, John B., Cushman, Kopperl, Mattice, Thompson, Doris L., Wiggin, Elmer S., Humphrey, James A., Daniell, Fisher, Piper, Cate, Haller, Andersen, Chris K., Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Tarr, Underwood, Rich, Harriman, Wilson, Ralph W., Howard, C. Edwin, Woodward, Hager, Noble.

## NAYS

## ROCKINGHAM COUNTY:

Boucher, William P., Kashulines, Soule, Thibeault, George J., Campbell, Schwaner, Estabrook, Parr, Woods.

## STRAFFORD COUNTY:

Harvey, Joncas, Bouchard, Chasse, Peter N., Tibbetts, Ineson, Ruel, Winkley, Preston, Tripp, Leighton, Donnelly, Richardson, Harriett W. B.

## SULLIVAN COUNTY:

Rousseau, Roy, Mary R.

## BELKNAP COUNTY:

Marsh, Twigg, Randlett, Maguire, Murray, James W.

## CARROLL COUNTY:

Howard, Donald K., Conley, Webster, T. Anne.

## CHESHIRE COUNTY:

Forcier, Turner, Ames.

## COOS COUNTY:

Huggins, Metcalf, Bushey, Richardson, Mabel L., Pryor, Brungot, Lemire, George.

## GRAFTON COUNTY:

Curran, Fimlaid, Bradley, Richard L., Clark, Jones, Anthony K., Anderson, Fayne E., Buckman, Harrison, Krainak, Eaton, Myrl R.

## HILLSBOROUGH COUNTY:

Coburn, Langdell, Desmarais, Aubut, Boisvert, Clancy, O'Connor, Timothy K., Sweeney, Martineau.

## MERRIMACK COUNTY:

Chandler, Rice.  
and the motion adopted.

Rep. Keefe wished to be recorded as voting "yes" on HB 64.

## SENATE MESSAGE

## CONCURRENCE

HB 36, relative to the notification of foreign corporations of suspension for nonpayment of fees.

HB 37, relative to filing annual returns by corporations.

HB 39, relative to the prohibition of county commissioners from simultaneously holding any other county office.

HB 121, relative exemption from resident tax of members of the armed forces.

CACR 10, Removing the Deadline Date on Paying Legislative Mileage. Providing That: The First Day of July be Repealed.



## NOTICE OF RECONSIDERATION

Rep. Williamson served notice that today or some subsequent day he would ask reconsideration of HB 115, relative to the notification of certain members of the general court prior to the adoption of any regulations by state agencies.

Reps. Zachos and Coutermarsh moved that reconsideration of HB 115, relative to the notification of certain members of the general court prior to the adoption of any regulations by state agencies, be made a special order for tomorrow.

Adopted.

## EXTENSIONS

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 86, requiring grantor at grantee's request to include in the warranty deed a covenant that the real estate at the time of purchase can be used for grantee's stated purpose.

Granted.

Rep. Claflin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 129, to reimburse the town of Lincoln for its outstanding share of indebtedness on bonds issued for the cost of its industrial waste treatment plant and to make an appropriation therefor.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 74, relative to regulation of the practice of pharmacy.

Granted.

Rep. Claflin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 123, providing for the acquisition of the Kelley Falls Dam and water rights.

Granted.

## SUSPENSION OF RULES

Rep. Claflin moved that the rules of the House be so far suspended as to allow the granting of an extension to the committee on Resources, Recreation and Development on HB 87,

providing for the acquisition of the Shell Camp Pond Dam in the town of Gilmanton and making appropriation for the purchase, repair or reconstruction of same, no later than April 3.

Reps. George B. Roberts, Jr. and Coutermarsh spoke in favor of the motion.

Adopted by the necessary two-thirds.

Rep. Albert C. Jones moved that HB 166, repealing the law prohibiting adultery, be made a special order of business for Thursday next.

Adopted.

The Speaker ruled that the remainder of the Calendar for today be laid over until tomorrow.

On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today, it adjourn in honor of our returning prisoners of war, to meet tomorrow at 1:00 p.m.

#### LATE SESSION

##### Third reading and final passage

HB 249, relative to the power of Castle Junior College to grant a degree.

HB 75, relative to fines for depositing litter in prohibited places.

HB 122, providing for rules of professional conduct in the practice of engineering.

HB 8, repealing the bounty on bobcats.

#### RECONSIDERATION

Rep. Sara M. Townsend moved reconsideration of HB 8.  
Motion lost.

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On motion of Rep. T. Anne Webster the House adjourned at 4:38 p.m.

*Wednesday, 14Feb73*

The House met at 1:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

In gratitude to Almighty God for the return of our P.O.W.s  
Nehemiah 9 27-28

"In the time of their suffering they cried to You and You heard them from heaven; and according to Your great mercy You gave them saviors who saved them from the hands of their enemies. When they turned and cried to You, You heard from heaven, and many times You delivered them according to Your mercy."

Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Dame led the Pledge of Allegiance.

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Reps. Merrill and T. Anne Webster revived the tradition of former Rep. Pickett, and the House enjoyed a song fest led by Rep. Streeter in observance of St. Valentine's Day.

Rep. Richard L. Bradley presented a Valentine resolution to the women legislators.

#### LEAVES OF ABSENCE

Reps. Maynard, Matheson, Dunham, and Gamache, the day, illness.

Reps. Oleson and Rowell, today and tomorrow, illness in the family.

Reps. Winn, Tuttle and Hough, the day, important business.

Rep. Roy W. Davis, today and tomorrow, important business.

#### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 375 through 382 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

### First, second reading & referral

HB 375, relative to accident report form and financial responsibility notice furnished under the director of motor vehicles and the director of safety services. (McEachern of Rockingham Dist. 23 — To Transportation.)

HB 376, providing for a commission to study the state constitution in preparation for the 1974 constitutional convention. (Harvell of Hillsborough Dist. 9 — To Constitutional Revision.)

HB 377, repealing the authority of justices of the peace to sit as special justices in a district court. (McManus of Strafford Dist. 17 — To Judiciary.)

HB 378, relative to eligibility for public assistance. (Twardus of Rockingham Dist. 14 — To Executive Departments and Administration.)

HB 379, relative to limited hardship licenses to operate a motor vehicle. (D'Amante of Sullivan Dist. 5 — To Transportation.)

HB 380, relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands commission and making an appropriation therefor. (Greene of Rockingham Dist. 17, Lockhart of Rockingham Dist. 17 — To Environment and Agriculture.)

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire. (Coutermarsh of Hillsborough Dist. 24 — To Executive Departments and Administration.)

HB 382, relative to prizes or awards in connection with beano games. (Bednar of Hillsborough Dist. 14 — To Ways and Means.)

## EXTENSIONS

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 134, relative to fees for fishing and hunting.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 85, establishing the office of comprehensive planning.

Granted.

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

Granted.

Rep. Hamel moved that the committee on Transportation be granted a six-day extension on HB 66, establishing a flat rate registration fee for all passenger motor vehicles except trucks and providing for a monthly proration of the fee.

Granted.

## DISCHARGE COMMITTEE OF CONFERENCE

Rep. Bell moved that the Committee of Conference be discharged on SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

Adopted.

## COMMITTEE REPORTS

**HB 15**

relative to mandatory sentences for heroin pushers. Inexpedient to legislate. Rep. Nighswander for Judiciary.

Provides a mandatory sentence for heroin pushers; twenty-five years for addict, life for a non-addict. No provision for rehabilitation or discretion of the court.

Resolution adopted.

**HB 76**

relative to a mandatory minimum penalty for illegal sales



of narcotics. Inexpedient to legislate. Rep. Nighswander for Judiciary.

Sets a mandatory minimum sentence of ten years for illegal sale of controlled drugs with no discretion on the part of the court; no opportunity for parole. Prisoners, with no hope of parole, create a real problem in the state prison.

Resolution adopted.

#### **HB 155**

relative to penalty for false statements for purpose of procuring fish and game licenses. Ought to pass. Rep. Theriault for Judiciary.

Brings the statute into accord with other statutes particularly the criminal code. Classifies making false statements in procuring fish and game licenses as violations.

Ordered to third reading.

#### **HB 71**

relative to interest on tenant's security deposit. Inexpedient to legislate. Rep. Fisher for Labor, Human Resources and Rehabilitation.

Subject matter covered by other bills.

Resolution adopted.

#### **HB 162**

providing for state ambulance service instructors; abolishing fees for volunteer non-profit ambulance units; and making an appropriation therefor. Inexpedient to legislate. Rep. Simard for Labor, Human Resources and Rehabilitation.

Committee felt that training programs in this state are more than adequate to serve our needs. It is the opinion of the committee that the token fees charged, are not an excessive burden to ambulance services. The committee felt that the purchase of one mobile unit at the cost of \$24,913 would not noticeably improve training programs in New Hampshire.

Resolution adopted.

#### **HB 217**

relative to removal of junked vehicles along federal-aid highways. Ought to pass. Rep. Martineau for Public Works.

This bill authorizes the Department of Public Works and Highways to remove and dispose of junked vehicles from private lands adjacent to and in view of any federal-aid highways in New Hampshire.

Ordered to third reading.

#### **HB 214**

relative to the president of the New Hampshire Woman's Relief Corps serving in place of the commander of the United Spanish War Veterans on the board of managers of the New Hampshire Soldiers' Home. Inexpedient to legislate. Rep. Knight for State Institutions.

Withdrawn at request of the sponsor.

Resolution adopted.

#### **HB 40**

relative to officers and employees in state service holding elective office in the legislature. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

This bill would require all state officials and employees who are elected, and accept election as, state senators or representatives to resign from state service on the date they are sworn in as such legislator. They would receive as compensation only that due members of the general court. The amendment rewrites the bill for clarification and changes the effective date to January 1, 1975.

Amendment adopted.

Rep. Gillmore moved that HB 40 be indefinitely postponed and spoke in favor of the motion.

Reps. Raymond and Russel C. Chase spoke against the motion.

Reps. Meserve, Altman, Paul McEachern, McDonough and Spirou spoke in favor of the motion.

(discussion)

Rep. Bednar moved that HB 40 be recommitted to the committee on Statutory Revision, and spoke in favor of the motion.

Reps. Coutermarsh, Zachos, and George B. Roberts, Jr. spoke against the motion.

Rep. Lambert moved the previous question on all pending motions.

Sufficiently seconded.

Adopted.

Question being on the motion to recommit HB 40.

Motion lost.

Question being on the motion to indefinitely postpone HB 40.

175 members having voted in the affirmative and 134 members in the negative, the motion to indefinitely postpone prevailed.

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The Speaker called for a vote on the following:

No. 1 Proposal — meeting at 1:00 p.m. on Tuesdays and Wednesdays and 11:00 a.m. on Thursday with Wednesday being a consent calendar day, and

No. 2 Proposal — meeting at 1:00 p.m. on Tuesdays, Wednesdays, at 11:00 a.m. Wednesday being a consent calendar day, and 11:00 a.m. on Thursdays.

Reps. Zachos, Frizzell, Bigelow, McLane, Greene and Drake spoke in favor of proposal No. 1.

Rep. Gerry F. Parker spoke against a consent calendar day on Wednesdays.

Reps. David J. Sullivan, Lawton, Horan, Daniel J. Healy and Coutermarsh spoke against proposals 1 and 2 in favor of 11:00 a.m. on all three days.

On a division vote 88 members voted in favor of proposal No. 1, and 83 in favor of proposal No. 2.

It being manifestly in favor of meeting at 11:00 a.m. on all three days.

The Speaker called for the special order of HB 115, relative to the notification of certain members of the general court prior to the adoption of any regulations by state agencies. The question is reconsideration of previous House action in voting HB 115 inexpedient to legislate.

Reps. Zachos and Coutermarsh moved that HB 115 be placed on second reading.

Adopted.

Rep. Williamson offered an amendment.

The clerk read the amendment in full.

Rep. Williamson spoke in favor of the amendment.

Rep. Stevenson moved that HB 115 be recommitted to the committee on Executive Departments and Administration and spoke in favor of the motion.

Reps. McLane, Vachon, Merrill and Williamson spoke in favor of the motion.

Adopted.

(Deputy Speaker in the Chair)

#### **CACR 8**

relating to methods of proposing constitutional amendments. Providing that approval by two biennial assemblies of the general court before a question may be submitted to voters. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee feels this resolution would be unduly restrictive and would delay placing important referenda before the people.

Rep. Joseph M. Eaton spoke in favor of the committee report.

Resolution adopted.

#### **CACR 9**

relating to number of senators and representatives required for proposed constitutional amendments. Providing that the senate and house of representatives, voting separate may propose amendments by a two-thirds vote. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee feels this provision would be unduly restrictive.

Resolution adopted.

**CACR 13**

relating to the highway fund. Providing that certain revenue shall not be restricted to highways. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee feels this provision would be unduly restrictive.

Resolution adopted.

**CACR 14**

relating to the term of the general court. Providing that each general court shall dissolve and be dissolved at 12:01 A.M. on the said first Wednesday of January biennially. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee feels because it involves the legislature it has the merit of entitling it to consideration by the Constitutional Convention.

Resolution adopted.

**CACR 15**

relating to a natural right of man. Providing that each man has a natural right to refuse to fight a war. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The change proposed by this amendment would be in conflict with the United States Constitution.

(discussion)

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Gerry F. Parker and Brungot spoke against the motion.

Rep. Ellis moved the previous question.

Sufficiently seconded.

Adopted.

Resolution adopted.

**CACR 16**

relating to when the general court is to meet. Providing



that the general court shall meet annually for not more than forty-five days in any year. Inexpedient to legislate. Rep Joncas for Constitutional Revision.

Covered by CACR 10.

Resolution adopted.

#### **CACR 17**

relating to the composition and compensation of the members of the general court. Providing that the senate shall be composed of thirty members, the house of representatives shall be composed of one hundred and twenty members, and that the compensation paid the members of the general court be increased. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

It involves the legislature but has the merit of entitling it to consideration by the Constitutional Convention.

Resolution adopted.

#### **CACR 18**

relating to qualification as to age in holding office. Providing that no person under twenty-one years of age may hold any elective office. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee feels if they're old enough to vote, pay taxes, fight wars, they're old enough to hold office and would encourage participation in public affairs by younger voters.

Resolution adopted.

#### **CACR 19**

establishing a unicameral legislature for New Hampshire. Providing that the general court of New Hampshire be unicameral. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee believes that the present system between the House and Senate is superior to a unicameral system.

Resolution Adopted.

#### **VACATES**

Rep. Hamel moved that the House vacate the reference of

HB 381, relative to the suspension and revocation of the privilege to operate a boat in N. H. to the committee on Executive Departments and Administration and re-refer said bill to the Committee on Transportation.

Adopted.

Rep. Drake moved that the House vacate the reference of HB 346, appropriating additional funds for the New Hampshire Port Authority to the committee on Appropriations and re-refer said bill to the committee on Public Works.

Adopted.

Rep. Claffin moved that the House vacate the reference of HB 380, relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands commission and making an appropriation to the committee on Environment and Agriculture and re-refer said bill to the committee on Resources, Recreation and Development.

Adopted.

#### COMMITTEE REPORTS CONTINUED

##### HB 192

relative to the definition of civil defense and the civil defense executive council. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Ordered to third reading.

##### HB 212

relative to time of sessions for correction of checklist. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Resolution adopted.

##### HB 257

relative to the prohibition of certain promotional games. Ought to pass. Rep. Cate for Statutory Revision.

This bill prohibits, under penalty of fine or imprisonment, the offering of promotional tickets and the like. However,

this prohibition is not applied in the following instances:

I. Nonprofit and charitable corporations or associations, or

II. Where the total value of prizes given in a thirty day period is less than \$1,000.

III. Sale of lottery and sweepstakes tickets sold in accordance with the provisions of RSA 284:21-a to 21-r inclusive.

Ordered to third reading.

### HB 187

repealing the statutes relative to travel allowance for officers and employees of the general court. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This bill would repeal the statutes providing for the payment of a mileage allowance to officers or employees of the general court for each day of attendance during a legislative session up to a maximum of one hundred miles for the round trip. This by itself is only a partial and not effective solution to the major problem of paying legislative employees fairly. The committee recommends inexpedient to legislate.

Rep. Ferguson moved that HB 187 be made a special order for tomorrow and spoke in favor of the motion.

A division was requested.

It being manifestly in the affirmative HB 187 was made a special order for tomorrow.

(Speaker in the Chair)

### HB 284

increasing the fireman's relief fund. Ought to pass. Rep. Montplaisir for Banks and Insurance.

Increases fireman's relief fund from \$4000 to \$6000 annually from taxes imposed by the insurance department.

Referred to Appropriations.

**HB 197**

to prohibit the use of so-called walkie-talkie equipment in the taking of game. Inexpedient to legislate. Rep. Tuttle for Fish and Game.

Unnecessary addition to law. More harm could come from this addition than good.

Resolution adopted.

**HB 139**

relative to the license fee required for oystering or clamming. Ought to pass. Rep. Maynard for Fish and Game.

Relative to clamming and oystering licenses for residents sixty-eight years of age.

Ordered to third reading.

**HB 132**

relative to definition of resident under fish and game laws. Ought to pass with amendment. Rep. Patrick for Fish and Game.

Adds the word "domicile" to the existing law.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Resident Defined. Amend the term "Resident" as defined in RSA 207:1 by inserting at the end thereof the following (The word residence as used in this definition shall mean domicile.) so that said definition as amended shall read as follows:

Resident: A citizen of the United States who has lived and made his home within the state not less than six months next prior to his application for a license and who has not during that period claimed a residence in any other state for any purpose. The word residence as used in this definition shall mean domicile.

Amendment adopted.

Ordered to third reading.

**HB 179**

providing that fees for services of register of deeds in col-

lection of real estate transfer tax be paid to county treasurer. Ought to pass. Rep. Madeline G. Townsend for Municipal and County Government.

Title self-explanatory .

Referred to Appropriations.

#### HB 43

relative to controlling use of aqua-therms in the waters of this state. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Provides protection for persons traveling on ice from thin ice created by devices used to keep docks ice-free.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

relative to controlling use of heating or  
agitating devices in the waters of this state.

Further amend the bill by striking out RSA 270:31 and RSA 270:32 as inserted by section 1 of the bill and inserting in place thereof the following:

270:31 Heating, Agitating or Other Devices in Public Waters, Safety Hazard. No person shall put, place, operate or cause to be put, placed or operated in the waters of this state any so-called heating, agitating or other device which inhibits or prevents the natural freezing of water, or forming of ice, unless nearby signs shall likewise be placed to warn of possible danger.

Said signs shall read DANGER, THIN ICE and shall be of sufficient size to be readable at a distance of not less than one hundred and fifty feet, and shall be visible from all directions and shall be equipped with reflectors and color-coded in a pattern unique for this purpose only. The department of safety is hereby authorized to establish said unique design and coloring and any homemade copies shall follow this design and coloring. The provisions of this section shall be enforced by any law enforcement agency under the direction of the department of safety pursuant to RSA 106-A:14 and the department of fish and game pursuant to RSA 206:26.



270:32 Registration Required. Any person operating or hereinafter operating any such agitating or heating device which tends to inhibit the natural production of ice on public waters must obtain a registration to be designed and distributed by the department of safety, from the municipal clerk of the town in which such device shall be operated and said registration shall contain the name and address of owner and the location of said device. A permanent file of such registrations shall be kept by municipal clerks and a fee of fifty cents per registration may be charged.

Amendment adopted.

Ordered to third reading.

#### HB 53

prohibiting the use of motorboats on the Cocheco River within the city limits of Rochester. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Prohibits petroleum powered motor boats on a recreation-oriented stretch of the Cocheco River.

Ordered to third reading.

#### HB 177

relative to an owner's responsibility to report an accident. Inexpedient to legislate. Rep. Hamel for Transportation.

Problem has been corrected by administrative action and is not likely to occur again.

Resolution adopted.

#### HB 186

relative to speed limits for certain heavy vehicles on limited access highways. Inexpedient to legislate. Rep. Hamel for Transportation.

Research shows that traffic moving at a uniform speed is the safest. Bill would encourage passing and decrease highway safety.

Resolution adopted.

#### HB 226

relative to definitions in the passenger tramway law and the cost of inspecting aerial tramways. Ought to pass. Rep. Hamel for Transportation.

Defines "wire rope tow" and inserts it in the law where required. Eliminates provision that operators share inspection costs license fees now cover all expenses of the board.

Ordered to third reading.

#### **HB 72**

relative to requirements and prohibitions for county officers and employees. Ought to pass with amendment. Rep. Randlett for Municipal and County Government.

Tightens requirements and prohibitions for county officers and employees.

#### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 30 the following new chapter:

#### **Chapter 30-A**

#### **Requirements and Prohibitions for County Officers and Employees**

30-A:1 Personal Use of Prisoners Forbidden. No county officer, employee, or agent thereof, can use either directly or indirectly for his own personal benefit the services of a county prisoner or other county employee while engaged in normal duties for the county. Anyone guilty of violating this section shall be imprisoned for not less than one year and a day or more than three years in the New Hampshire state prison, and said sentence or any part thereof shall not be suspended by the superior court, the provisions of RSA Title LXII, notwithstanding.

30-A:2 County Credit for Personal Use. No county officer, employee, or agent thereof shall use the credit of the county for the purchase of any personal property or be reimbursed for purchases for the personal private use of said county official, employee, or agent thereof. Anyone who violates this section shall be fined not less than two thousand dollars or more than five thousand dollars, the provisions of RSA Title LXII, notwithstanding.

Amendment adopted.

Ordered to third reading.

**HB 171**

increasing the maximum pension allowed for certain firemen, police officers and constables. Ought to pass. Rep. Bergeron for Municipal and County Government.

Title self-explanatory.

Ordered to third reading.

**HB 194**

authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Establishment of Reserves for Tax Mapping Costs by Cities. Amend RSA 34:1 by striking out in line two the words and numerals "section 2 of this chapter" and inserting in place thereof the following (RSA 34:2) and by inserting at the end thereof the following (or (c) a reappraisal by appraisers of the state tax commission or such other appraisers, appraisal firms or corporations approved by the state tax commission, of the real estate in such city for tax assessment purposes, or (d) for the acquisition of a tax map of such city.) so that said section as amended shall read as follows:

34:1 Establishment of Reserves Authorized. Any city may raise and appropriate money as provided by RSA 34:2 for the establishment of a capital reserve fund for the financing of all or part of the cost of (a) the construction, reconstruction, or acquisition of a specific capital improvement, or the acquisition of a specific item or of specific items of equipment, or (b) the construction, reconstruction, or acquisition of a type of capital improvement or the acquisition of a type of equipment, or (c) a reappraisal by appraisers of the state tax commission or such other appraisers, appraisal firms or corporations approved by the state tax commission, of the real estate in such city for tax

assessment purposes, or (d) for the acquisition of a tax map of such city.

2 Establishment of Reserves for Tax Mapping Costs by Towns. Amend RSA 35:1 by striking out in line two the words and numerals "section 3 of this chapter" and by inserting in place thereof the following (RSA 35:3) and by inserting at the end thereof the following (or (c) a reappraisal by appraisers of the state tax commission or such other appraisers, appraisal firms or corporations approved by the state tax commission, of the real estate in such town for tax assessment purposes, or (d) for the acquisition of a tax map in said town.) so that said section as amended shall read as follows:

35:1 Establishment of Reserves Authorized. Any town, school district, village district, or county, as provided by RSA 35:3 may raise and appropriate money for the establishment of a capital reserve fund for the financing of all or part of the cost of (a) construction, reconstruction or acquisition of a specific capital improvement, or the acquisition of a specific item or specific items of equipment, or (b) the construction, reconstruction, or acquisition of a type of capital improvement or the acquisition of a type of equipment, or (c) a reappraisal by appraisers of the state tax commission or such other appraisers, appraisal firms or corporations approved by the state tax commission, of the real estate in such town for tax assessment purposes, or (d) for the acquisition of a tax map of said town.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

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Reps. Zachos and Coutermarsh moved that all bills not acted upon today be made a special order for tomorrow.

Adopted.

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On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third

reading of bills be by title only, and that when the House adjourns today, it be to meet tomorrow at 11:00 a.m.

### LATE SESSION

#### Third reading and final passage

HB 155, relative to penalty for false statements for purpose of procuring fish and game licenses.

HB 217, relative to removal of junked vehicles along federal-aid highways.

HB 192, relative to the definition of civil defense and the civil defense executive council.

HB 257, relative to the prohibition of certain promotional games.

HB 139, relative to the license fee required for oystering or clamming.

HB 132, relative to definition of resident under fish and game laws.

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

HB 53, prohibiting the use of motorboats on the Cochembo River within the city limits of Rochester.

HB 226, relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways.

HB 72, relative to requirements and prohibitions for county officers and employees.

HB 171, increasing the maximum pension allowed for certain firemen, police officers and constables.

HB 194, authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate.

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The speaker announced that Rep. Vachon and his wife, Rose, were celebrating their 31st anniversary today.

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On motion of Rep. Vachon, in honor of his wife, Rose, the House adjourned at 4:53 p.m.



*Thursday, 15Feb73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord, Our God**, we come to You again for strength, courage, and inspiration; but we pray in a special way, today for Your servant, Governor Wesley Powell. May You grant him a speedy recovery, that he may soon return to his loved ones, and to the service of the people of this State. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Lynch led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. David T. Sullivan, the day, illness in the family.

Reps. Tony Smith, Vey and Randlett, the day, traveling conditions.

Reps. E. George Warren and Kincaid, the day, important business.

Reps. Parr, Matheson and Scranton, the day, illness.

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The Speaker recognized a new member of the House, Rep. John T. Winn of Nashua.

#### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 383 through 403 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

## First, second reading &amp; referral

HB 383, relative to filing a report of catch of fur-bearing animals. (Cate of Merrimack Dist. 14 — To Fish and Game.)

HB 384, to reclassify the Blackwater River. (Humphrey of Merrimack Dist. 11 — To Resources, Recreation and Development.)

HB 385, relative to changing the name of the Association of New Hampshire Assessors. (Nutt of Grafton Dist. 13, Wiggins of Sullivan Dist. 8 — To Executive Departments and Administration.)

HB 386, relative to the taking of deer. (Scott of Sullivan Dist. 6 — To Fish and Game.)

HB 387, relative to providing a uniform open deer season throughout the state. (Chamberlin of Grafton Dist. 2 — To Fish and Game.)

HB 388, relative to conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor. (Kopperl of Merrimack Dist. 9 — To Resources, Recreation and Development.)

HB 389, increasing certain penalties for forest fire violations. (Karnis of Hillsborough Dist. 4 — To Statutory Revision.)

HB 390, providing for the care and treatment of children with end-stage kidney disease and making an appropriation therefor. (Griffin of Rockingham Dist. 19, Wilson of Rockingham Dist. 2, Townsend of Sullivan Dist. 1, Maloomian of Strafford Dist. 6, Cote of Hillsborough Dist. 19, Lynch of Hillsborough Dist. 34 — To Public Health and Welfare.)

HB 391, relative to abolishing sterilization of epileptics. (Daniell of Merrimack Dist. 13, Goff of Rockingham Dist. 5 — To Public Health and Welfare.)

HB 392, relative to visitation to child-placing and child-caring agencies. (Hanson of Merrimack Dist. 5, Nardi of Hillsborough Dist. 27 — To Public Health and Welfare.)

HB 393, providing for rules of professional conduct in the

practice of land surveying. (Sanborn of Rockingham Dist. 9 — To Executive Departments and Administration.)

HB 394, relative to providing education for handicapped children. (Beaulieu of Hillsborough Dist. 31 — To Education.)

HB 395, relative to consumer credit reports. (Sayer of Rockingham Dist. 5 — To Banks and Insurance.)

HB 396, relative to the incorporation of roads used without charge into toll roads. (Scamman of Rockingham Dist. 15 — To Public Works.)

HB 397, relative to the permitted use of privies. (Bradley of Grafton Dist. 13, Bradley of Grafton Dist. 5 — To Public Health and Welfare.)

HB 398, prohibiting use of certain types of traps. (Thomson of Hillsborough Dist. 7 — To Fish and Game.)

HB 399, authorizing the state of New Hampshire to acquire from the town of New Boston bridge No. 045-131. (Colburn of Hillsborough Dist. 6 — To Public Works.)

HB 400, removing the state motto from the license plates of non-commercial vehicles. (Cushman of Merrimack Dist. 9 — To Transportation.)

HB 401, to establish a state liquor store in Belmont. (Wuelper of Belknap Dist. 2 — To Liquor Laws.)

HB 402, increasing and altering the membership of the management-employees relations commission. (McDonough of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 403, lowering the age of majority to eighteen. (Zachos of Hillsborough Dist. 25, Frizzell of Sullivan Dist. 7, Coutermarsh of Hillsborough Dist. 24 — To Judiciary.)

## SENATE MESSAGES

### INTRODUCTION OF CACR

First, second reading & referral

### CACR 7, CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENTS

RELATING TO: The Number of Jurors Required in Civil

Cases in the Superior Court and the Kind of Verdicts Required to Prevail.

PROVIDING THAT: At the Superior Court Level, Jury Verdicts in Civil Cases Require at least a Nine out of Twelve Verdict. Constitutional Revision.

## INTRODUCTION OF SCR

First, second reading & referral

### SENATE CONCURRENT RESOLUTION NO. 2

Memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber.

*Whereas*, The State of New Hampshire is eighty-seven percent forested and over eighty-five and eight-tenths percent of the commercial land in New Hampshire is owned by private woodland owners and farmers, and

*Whereas*, The capital gains treatment of timber has been an incentive to grow timber in spite of the many risks involved such as fire, wind, insects, and disease, and

*Whereas*, The forests lands of New Hampshire provide many jobs and support many industries and communities in our state.

*Now, Therefore, Be It Resolved* by the Senate of the General Court of New Hampshire, the House of Representatives concurring:

That the General Court of the State of New Hampshire recommends the retention of the present capital gains treatment of income from the cutting and disposal of timber under Internal Revenue Code 631 (a) and 631 (b) ; and

*Be It Further Resolved*, That a copy of these resolutions be forwarded by the Clerk of the Senate to the congressional delegation from the State of New Hampshire and to the Honorable Wilbur Mills, Chairman of the Committee on Ways and Means of the United States House of Representatives.

Referred to the Resolutions committee.

## SUSPENSION OF RULES

Rep. Fortier moved that the rules of the House be so far

suspended as to dispense with the printing, committee reference, hearing, and advertising in calendar on SCR 2, memorializing Congress to continue the existing capital gains treatment of income in the cutting and disposal of timber, and to permit the resolution to be placed on third reading and final passage at the present time.

(discussion)

The clerk read the resolution in full.

Reps. Chandler and Daniell spoke against the motion.

Motion lost.

#### ENROLLED BILLS REPORT

HB 36, relative to the notification of foreign corporations of suspension for nonpayment of fees.

HB 37, relative to filing first annual returns by corporations.

HB 39, relative to the prohibition of county commissioners from simultaneously holding any other county office.

Mabel L. Richardson  
*For The Committee*

#### VACATES

Rep. McLane moved that the House vacate the reference of HB 378, relative to eligibility for public assistance, to the committee on Executive Departments and Administration and re-refer said bill to the committee on Public Health.

Adopted.

Rep. Greene moved that the House vacate the reference of HB 388, relative to conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor, to the committee on Resources, Recreation and Development and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

#### EXTENSIONS

Rep. Roma A. Spaulding moved that the committee on



Public Health and Welfare be granted a six-day extension on HB 148, requiring the furnishing of generic as well as brand names by physicians prescribing drugs.

Granted.

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 145, providing for a special hunting license to take certain stocked game birds.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 150, to prohibit the sale of nonalcoholic beverages in nonreturnable glass containers.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 151, to prohibit the sale of malt beverages in nonreturnable metal, plastic or glass containers.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 152, to prohibit the sale of nonalcoholic beverages in nonreturnable metal or plastic containers.

Granted.

Rep. Kopperl moved that the Merrimack County Delegation be granted a six-day extension on HB 180, providing for the appointment of a superintendent of the house of correction and jail of Merrimack county.

Granted.

## COMMITTEE REPORTS

### HB 166

repealing the law prohibiting adultery. Majority: Ought to pass; Rep. McManus for Judiciary. Minority: Inexpedient to legislate. Rep. Daniel J. Healy.

Removes from the statutes the section which makes adultery a misdemeanor.

Rep. Daniel Healy moved that HB 166 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Record, Brungot, Eastman, Barrus, Theriault and Bednar spoke in favor of the motion.

Reps. McManus and Albert C. Jones spoke against the motion.

Rep. Healy spoke a second time in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the affirmative the motion prevailed.

## JOINT CONVENTION

### BUDGET MESSAGE

of

Governor Meldrim Thomson, Jr.

for the

Fiscal Biennium 1974-1975

Mr. Speaker, Mr. President, Honorable members of the General Court.

By law first enacted in 1931, the governor is required to transmit to the legislature not later than February 15th of the year of the biennial legislative session his budget for the fiscal years of the ensuing biennium.

The governor may at the same time but not later than March 15th submit to the legislature the capital budget.

Pursuant to this time-honored statutory instruction, I submit herewith to the legislature the regular operating budget for 1974-75. The governor's capital budget will be transmitted to you not later than March 15th.

*Need for Economy*

There is no work that you and I might engage in during this legislative session that will have as far-reaching effect upon the future welfare of our people as our expenditure of their tax dollars.

The need for economy runs like a bright thread through the muted colors of our constitutional fabric.

The New Hampshire Constitution tells us that frugality is necessary to preserve the blessings of liberty and good government (Article 38, Part I).

Economy, says the Constitution, is a most essential virtue in all states (Article 36, Part I).

We are also told that it shall be the duty of legislators and magistrates to inculcate the principles of industry and economy among the people (Article 83, Part II).

What better way can we comply with these constitutional mandates than through a wise and thrifty use of the revenues from our people?

With these precepts before us, we have prepared a budget in which we tried to adhere to an average of 10 per cent increase per year for the agencies of state government.

This would allow for inflation, population growth, and a modest increase for social needs.

In preparing this budget, I have been mindful of the warning against excessive taxation by the great American president, Grover Cleveland, who in his second annual message in December 1886 said:

“When more of the peoples’ sustenance is exacted through the form of taxation than is necessary to meet the just obligations of Government and expenses of its economical administration, such exaction becomes ruthless extortion and a violation of the fundamental principles of a free Government.”

Under this budget, we have not taken more of the peoples’ sustenance than was necessary to meet the just obligations of a frugal government.

Under this budget, and, for the first time in many years, there will be no need for any new state taxes.

On the contrary, and, for the first time in our history as far as I can determine, this budget provides for a substantial return of revenues to the taxpayers.

*Available Revenues; 1972-73*

It will be recalled that we began the current biennium with a deficit of 7 million dollars.

The unrestricted revenues for fiscal 1972 were \$113.7 million.

Out of this, we used \$4.49 million for debt service; \$20 million to reimburse local communities; and \$425 thousand for legislative specials.

This left 80.9 million dollars for the operating budget for that year.

For our current fiscal year of 1973, we estimate our unrestricted revenues at \$116.8 million, plus an additional \$6.8 million in state revenue sharing funds, making a total of \$123.6 million.

From this there will be deducted \$4.3 million for debt service; \$20 million with which to reimburse local communities; and \$424 thousand for legislative specials.

This provided an estimated operating budget of \$90.4 million.

Increases in our revenues, lapses and the infusion of revenue sharing funds will give us an estimated surplus of \$12.6 million next June 30th.

If we deduct from this \$3 million to restore retroactively the school building aid due our school districts and deduct \$1.2 million for a deficit in our retirement systems, we will still have a surplus of \$8.6 million. This is the figure we have carried forward into our new budget.

*1974-1975*

For fiscal 1974 we estimate unrestricted revenues of \$124.6 million, plus an additional \$5.6 million in state revenue sharing for a total of \$130 million.

From this, we have taken \$4.6 million for debt service; \$21

million for reimbursement to local communities; and \$1.5 million for legislative specials.

Our operating budget recommendations call for \$99.3 million.

This will leave us with an estimated surplus for fiscal 1974 of \$10.1 million.

In fiscal 1975, we estimate our unrestricted revenues will be \$130.6 million, plus \$5.8 million in state revenue sharing for a total of \$136.4 million.

We have deducted from this figure \$4.5 million for debt service; \$22 million for reimbursement to the local communities; and \$1 million for legislative specials.

Our operating budget recommendation for fiscal 1975 will be \$103.8 million.

Our estimated surplus for fiscal 1975 would be \$10.3 million.

It is somewhat ironic that we who have fought so hard for economy in government and for low taxes should be faced with the difficult but pleasant problem of recommending what to do with a total anticipated surplus of about 21 million dollars.

Before discussing the surplus, I would like to review some of the highlights of our budget.

### *Federal Monies*

New Hampshire, like all other states, has become increasingly dependent upon the Federal Government for operating monies.

In fiscal 1972, we allocated 69 million federal dollars in our budget. These were your tax dollars and mine that went to Washington, paid a heavy bureaucratic charge, and came back to us with all kinds of controls attached.

By comparison, the net appropriation of state tax dollars amounted to \$80.6 million for that year.

In fiscal 1975, we are allocating 87.7 million federal dollars in our budget. This is an increase of \$18.7 million.

In the total appropriations made in 1972-73, federal dollars



amount to 30 per cent and state dollars come to 35 per cent with the balance from our sources.

For our proposed budget, the use of federal dollars will fall to 29 per cent and state dollars will increase to 36 per cent.

This is a small but significant reversal of a very dangerous trend toward ever-increasing federal dependence.

It is difficult to assess the full extent of our growing addiction for federal money. Unfortunately, millions of federal dollars never pass through your legislative processes.

For example, the \$10 million in revenue sharing to local communities, \$12 million in direct grants to the University, untold millions in pollution, recreation, and urban projects, flood across our state in a spreading wave of federalism.

In preparing this budget, we have omitted projects seeded by federal dollars and for which we are now asked to provide state sustaining dollars.

We have eliminated all funds for O.E.O. in accordance with President Nixon's guideline. We have refused to increase the allotment of federal dollars for the W.I.N. program. We have not added the hundreds of thousands requested for the arts simply because it was "federal money," as though such funds were a free gift from a foreign land.

It is plain fiscal insanity for fifty states to be rooting at a federal trough filled with the illusory foam of deficit dollars.

It is vital to our economy and our freedom that our state try with each passing day to become more and more self-sufficient.

#### *Office of the Governor*

We have endeavored to set an example of thrift in the Office of the Governor.

We have retained at \$90,000 the figure for personal services. Out-of-state travel remains \$2,500. In-state travel is increased from \$3,000 to \$3,500 but is offset by a \$500 drop in equipment.

The sum actually available in the governor's office is reduced from \$365,325 in 1973 to \$347,445 or by 5 per cent. The same reduced figures are used for 1975.

One item that is carried in the governor's office but that is not available to either governor or council is the Operating Budget Contingency Fund.

This money can only be used by Governor and Council for agencies facing some financial crisis. For example, it has been dipped into several times to provide the Water Resources Board with money needed to expedite the hearings on land fill cases.

We felt it prudent to increase the Operating Budget Contingency Fund from \$100,000 to \$200,000.

We have also provided for an assistant to the Coordinator of Federal Funds. This assistant's function will be to service our local communities in obtaining federal funding.

#### *Office of Budget Director*

We have eliminated funds for the continuance of the Office of Budget Director in the Governor's Office.

With the budgetary skills and services available to the executive branch through the Department of Administration and Control, and to the legislature through the Office of Legislative Budget Assistant, we have found no valid reason for duplicating these services in the Governor's Office.

Here, I want to thank Mr. Rodney Tenney for remaining at his post until the work on this budget was completed. I have suggested that I would transfer him to Administration and Control if this was agreeable with him and the Comptroller, but he decided against the transfer.

#### *Comparative Size of Budget*

In the past ten years our government spending has far outdistanced our growth in population.

In 1964, our population was 658,012. Now it is estimated at 778,566. This is a growth of 18.3 per cent, or about 2 per cent per year.

In 1963, our operating budget was \$26,669,380. In 1973, it is \$90.4 million. This is an increase of 244 per cent, or more than twice the rate of growth for our population. For 1975, we project an operating budget of \$103.8 million.

It can be seen that we, like other states, are rapidly increasing state spending and at a pace that far exceeds our population growth. This spending cannot continue without inviting eventual bankruptcy.

It is interesting to note that our agencies of state government requested \$253.5 million dollars for the new biennium. This budget would provide them with \$203.1 million or about 80 per cent of that requested.

Our operating budget for the 1974-75 biennium is \$203.1 million as compared to \$171.3 for the 1972-73 budget, or \$31.8 million larger. This is an 18.5 per cent increase which is well within the 10 per cent per year guideline we had set for ourselves.

### *State Employees*

Ten years ago, we had 5,198 permanent classified employees. For 1973, we have 7,074 such employees for an increase of 36 per cent.

In 1969, we had 6,148 permanent classified employees. In the past four years we have added an annual average of 206.5 employees to our state payroll.

The agencies of government requested that we add another 1,625 permanent employees in the 1974-75 biennium. This would have cost about 11 million dollars more.

Instead, we are recommending the addition of 172 new classified employees and one unclassified for the biennium for an average annual increase of 86.5.

We felt that it made good business sense to try to increase the efficiency of our state family of employees and to reward them by a substantial pay raise.

We are, therefore, recommending that the classified, unclassified, temporary and seasonal employees receive an average pay increase of 6 per cent.

We are also suggesting that for the first time in our state's history, we pay our classified employees time and a half for all time over 40 hours.

Those salary increases and the overtime pay would cost the state a little over \$3 million a year. This money should come out of our gross surplus and we have so marked it.

Thus, we will sponsor pay raise and overtime pay legislation for the state employees, especially those in the classified service, that will begin in the long road of adjustment to bring the pay of our state employees to comparable salaries in industry.

### *State Hospital*

This House took a giant step forward last week by passing House Bill 1. I understand the Senate will take a similar step tonight.

The evidences of need for good management at this vital institution multiply daily. We are convinced that good management is more sorely needed at the hospital than new money. We sincerely hope that the implementation of House Bill 1 will give us a sorely needed good business administrator at the hospital.

It is my understanding that whenever the question of whether a patient can manage his own affairs occurs that three staff psychiatrists conduct an inquisition.

For these services, the hospital itself bills the guardian of the patient \$45 for each diagnostic meeting. The recipient of the billing, which is made out on letterheads from the Superintendent's office, is requested to pay \$15 directly to each of the three staff psychiatrists instead of to the hospital.

This means that the high cost staff psychiatrists are having their state salaries supplemented by the guardian of our unfortunate patients.

In another case, a full-time psychiatrist whose annual salary is in excess of \$25,000 was paid \$60 for a treatment performed in the psychiatrist's office in the State Hospital.

I think that it is unfortunate that with conditions as bad as they admittedly are at the hospital, that the Acting Superintendent who receives a salary in excess of \$30 thousand a year with house, utilities, and other fringe benefits should take time off during hospital hours to conduct a private practice in Manchester. The excuse for this is that it involves compensatory time. This is more than moonlighting. It is a daylight insult to the taxpayers of our state.

The 1972-73 hospital appropriation was 19.1 million dollars. For 1974-75, we are suggesting \$22.4 million or an increase

of 17 per cent. This increased figure includes 250 thousand dollars a year that would be footnoted for personnel service and other types of expenditures at the hospital by the Governor and Council during the period of reconstruction.

These figures tell only part of the story of the improvement which good management and reasonable funding can produce.

Requested by the hospital but denied in our budget was an item of \$475 to repaint a state-owned and presently vacant house and barn on Fruit Street. This property was just painted last year.

I understand the hospital now has a policy to paint doctors' houses and apartments inside and outside every two years. Also requested and denied was an item of \$3,600 to convert the present attractive and satisfactory grounds lighting system to mercury vapor lights.

The hospital asked for 287 new permanent classified positions. At present, there are 1,070 such positions of which 70 are vacant.

In 1964, the hospital's average patient population was 2,462. There were then 983 permanent classified employees. The patient-employee ratio was then 3 to 1.

Now the patient population is 1,500 for which we have 1,070 permanent classified positions.

The hospital authorities themselves project a patient population in 1975 of 1,000. If we gave them the requested 287 extra positions, then the patient-employee ratio in 1975 would be 1 to 1.35.

Obviously, with a 17 per cent increase in funding for an institution whose patient population is expected to decrease by one third during the 1974-75 biennium, we have been quite generous.

Good management and this budget should definitely achieve re-accreditation for the hospital. But more important than that, it should give us a clean, efficient and comfortable hospital for those among us whose needs daily cry for our sympathetic understanding.

### *School of Nursing*

In this budget, we are recommending that the Hospital



School of Nursing be phased out. This hospital related nursing school is only one of two such in the country.

What is offered in this school is for practical purposes duplicated at the Technical Institute here in Concord, only the Institute's Nursing School cost much less both to taxpayers and nursing students.

It has been argued that it would be disastrous to the hospital if its nursing school were discontinued because this is its prime source for nurses.

The facts suggest otherwise. The hospital now employs 3 nurses from the 1968 class, 3 from 1969, none from 1970, 6 from 1971, and 5 from 1972.

This phase-out would free Londregan Hall after 1975 for use other than a nursing school. This excellent building with basement and four floors consists of 95 single rooms and recreational facilities on the first three floors and apartment units on the fourth floor.

For this phase-out, we have included in the budget of the Technical Institute monies for increasing its staff, supplies and equipment to accommodate 35 more nursing students a year.

### *Education*

I am very pleased that by this budget the state will be providing more money for its public schools than it has ever done before.

The total education budget in 1972-73 was \$46.7 million. Our total suggested budget for 1974-75 is \$77.2 million. This represents an increase of 65 per cent.

But this is only a small part of the entire story of improved financing for our schools by this budget.

We have earmarked in this budget \$2.9 million for full funding retroactively of school building aid. This money is ready to be distributed to our school districts just as soon as the Drake bill can be enacted.

We have also marked for use out of this budget the sum of \$1.3 million for full funding of the dual enrollment program retroactively just as soon as legislation on this subject is enacted.

In addition, we have provided for full funding of school building aid in fiscal 1974-75.

Also, we have included \$6.3 million for foundation aid in 1974-75. This money will go to about 100 school districts in the state that will be entitled to it under the foundation aid formula.

This is \$1.2 million more than foundation aid in 1972-73 and represents an increase of 21 per cent.

We have also added \$1 million to this budget for vocational education programs in the secondary schools.

And finally, we have provided for the dual enrollment program in 1974 and 1975.

This unprecedented increase in state aid to schools can be of great help to our property taxpayers PROVIDING — and this is an all-important proviso — the voters will go to their annual school district meetings and insist that economy and a prudent application of tax dollars prevail in school affairs.

Thus, if property taxes are held in reasonable check, it will be because the taxpayers are concerned enough to take an active part in furthering town and school district meetings.

### *The University System*

We believe that the majority of our citizens want a good university system to which they can send their sons and daughters for useful training in higher education.

We have therefore allocated in this budget 33.7 million dollars for the 1974-75 biennium. This is an increase of \$6.8 million over the \$26.6 million provided in the last biennium. It represents an increase of 26.3 per cent. It is the largest dollar increase in an appropriation to the university and the second largest per cent of increase.

While it falls short of the \$12 million requested by university officials, it represents one of the highest increases for any agency of government.

One million of this increase is footnoted for a tuition reduction at the university of \$95. Thus tuition for New Hampshire students at U.N.H., starting next fall, will be \$855. The tuition at Plymouth and Keene, which is now \$617, have also

been footnoted so that they cannot be increased by the trustees for the period of this budget.

The 33.7 million dollars recommended by this budget represents a very substantial contribution on the part of our taxpayers to higher education. Taxpayers have a right to a strict accountability of these monies.

I have been talking with university officials about this and related matters. I have high hopes that in the near future the questions of accountability and communication can be resolved to the best interest of our citizens and the university.

The good will of this administration for the university is expressed in this budget. I am hopeful that university officials will respond in this same spirit by trimming unnecessary and marginal programs and by generally tightening up on the administration of the institution.

Make no mistake about it, the taxpayers have been generous to their institutions of higher learning. The budget has increased in six years from \$19.6 million to our recommended \$33.7 million or by \$14 million.

At about this same time capital improvements on our campuses increased greatly. At present the bonded debt at the university is \$54 million while that for all other state buildings is \$3.6 million.

### *Centralized Data Processing*

While working diligently on this budget during the past two months, I became convinced that the greatest single deficiency in our state government was the total lack of a modern management system.

I found it difficult and almost impossible to obtain basic information needed to evaluate budgetary decisions. The closing of some ledgers is 19 months overdue. Bookkeeping and accounting in many agencies is inefficient and downright primitive.

We have spent millions on a computer system that doesn't compute. It grinds out promises of constantly postponed schedules while agencies in desperate need of modern computerization fall farther and farther behind in their work.

At present, we have neither a modern computer system nor

good accounting practices in many of our agencies. After four years of analyzing and programming and the spending of millions of dollars, we have nothing tangible in the way of a modern management system for state government.

We are brewing the dregs for the biggest scandal in the history of the state. We cannot continue to operate a state, spending hundreds of millions of dollars, based on an archaic, wasteful, and potentially scandalous system.

For these reasons, we have taken three important steps in this budget.

1. We have held C.D.P. below its request of \$5.2 million to \$3.7 million.

2. We have included a footnote giving the Governor and Council authority to reduce the appropriation by 25 per cent if the central appropriation accounting and payroll systems is not operational by September 1st.

3. We have included in the budget \$200,000 for use of the legislature in obtaining modern management methods system on a one-year crash program basis.

C.D.P. as presently operated is a failure. We will soon offer legislation that will make possible the solution of this grave problem by an emergency committee working under the direction of Governor and Council.

### *Items of Importance*

The total appropriation for welfare in 1972-73 was \$88 million. The department requested \$155 million for the new biennium. We are recommending a total of \$105 million. Actually, this represents an increase in state funding of 13 per cent for the biennium.

The Human Rights Commission requested a 400 per cent increase. A large part of this was for two enforcement positions. This we denied, feeling that enforcement of human rights should be a function of the office of the Attorney General.

For Community Mental Health, we have recommended a 35 per cent increase by raising the funding by \$720,000. This vital program for our people must be generously funded.

At the New Hampshire Home for the Elderly, we have added 8 new positions for 1975 to provide care for 40 additional patients there.

For the state police, we have provided 4 new detective positions and 15 new troopers to give added coverage on the turn-pikes and interstate highway system.

In recent years, the state has fallen behind in its maintenance of various state buildings. We have allocated \$1 million for a maintenance catch-up program with the monies not to lapse for three years.

### *Format of this Budget*

This budget is presented in the familiar format of the budget of recent years. It provides you with nine different major categories.

The Governor's Budget Director had suggested that we present the budget figures in only four categories. This I rejected because I believe that it is important that you, and through you that our people, have as much detail as possible respecting the expenditures of their monies.

For this reason, I would urge you to preserve the present format of the budget.

### *The Surplus*

Our total anticipated surplus from June 30th of this year to June 30th of 1975 will be about \$21 million.

For the anticipated \$12.6 million surplus available on June 30th, we strongly recommend the following distribution.

— To retroactive school building aid	\$2.9 million
— To retirement systems deficit	1.2 million
— To retroactive dual enrollment	1.3 million
— To Capital Budget projects	3.0 million
— To modern management methods	.2 million

This will leave a net surplus of \$3.9 million for fiscal 1973.

For the anticipated \$10.1 million surplus on June 30th, 1974, we would urge the following distribution.



— To classified employees pay increase	\$2.0 million
— To unclassified employees pay increase	.16 million
— To classified employees overtime	.6 million
— To temporary and seasonal employees	.24 million
— To fringe benefits	.22 million
— To Local Tax Relief Fund	4.0 million

This would leave a net surplus as of June 30, 1974, of \$2.9 million.

For the anticipated surplus on June 30th, 1975, of \$10.3 million, we would urge the following allocations.

— To classified employees pay increase	\$2.0 million
— To unclassified employees pay increase	.16 million
— To classified employees overtime	.6 million
— To temporary and seasonal employees	.24 million
— To fringe benefits	.22 million
— To Local Tax Relief Fund	4.0 million

This should leave a net surplus on June 30, 1975, of \$3.1 million.

I call your attention to the fact that our recommended budget does include \$1.5 million for legislative specials in fiscal 1974 and one million dollars in fiscal 1975.

This budget would return 8 million dollars to our taxpayers. In other words, we would pass along to local communities most of the state's share of federal revenue sharing monies.

We would accomplish this by amending the room and meals formula so that about 80 per cent of those monies, instead of the present 40 per cent are given to local communities. The room and meals monies are distributed on the basis of population. This local tax relief fund would directly relieve property taxes if prudently used by local authorities.

If found constitutional by our Supreme Court, this \$8 million local tax relief fund could be distributed directly to the homeowner.

Finally, there is enough money in the several surplus items to provide relief for our elderly citizens, such as room and meal exemptions and interest and dividends exemptions.

### *Conclusion*

I believe this to be an economy budget but certainly not a stingy one.

It is generous in areas where the public expects to be generous — for hospitals, state employees, schools and high education.

It provides, perhaps, for the first time in our history for returning a part of our surplus to our taxpayers through their local communities.

Best of all, it does not call for a single cent for increased taxation!

### *A Plea for Cooperation*

The preparation of the appropriation act for the biennium involves the executive and legislative branches. We give you our recommended budget. We assure you of our cooperation and help as you proceed with your legislative deliberations.

You will find us willing to compromise and cooperate on the details of the budget.

However, we will not approve an appropriation act that is unreal in its calculation of revenues, nor one that would substantially deprive our people of the major benefits built into this budget.

In the past, appropriation acts have suffered unhappy experiences in the Conference Committee. Because of this, and in order to provide for the orderly financing of the state, our administration is introducing legislation that would continue expenditures at current levels in the event a new budget is not enacted on July 1st.

I sincerely solicit your careful consideration of this legislation when it comes before you.

Accept my genuine good wishes for success as you proceed with your budget deliberations.

On motion of Sen. Bradley, the Joint Convention rose.

## HOUSE

## COMMITTEE REPORTS CONTINUED

**HB 262**

changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase of the Concord Clinic and parking area on Pillsbury Street. Ought to pass with amendment. Rep. Drake for Appropriations.

The amendment removes the specific requirement that the Concord Clinic be the building purchased. The Committee feels that office space is needed but the practice of specifying the property to be purchased in the bill places the State in an unreasonably poor bargaining position and would result in the State paying more than office space can command on the open market.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord.

Amend the bill by striking out section 1 of same and inserting in place thereof the following:

1 Office Space and Parking Area; Purchase Of. Amend 1971, 559:16 by striking out said section and inserting in place thereof the following:

559:16 Purchase of Office Building and Parking Area. There is hereby appropriated to be expended by the governor and council:

I. The sum of three hundred twenty thousand dollars for the purchase and renovation of office space and parking area in the city of Concord, New Hampshire.

Amendment adopted.

Ordered to third reading.

**HB 146**

relative to the power of Hesser College, Concord College

and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women. Ought to pass with amendment. Rep. Cecelia L. Winn for Education.

This bill has the approval of the state of New Hampshire Coordinating Board of Advanced Education and Accreditation, as amended.

### AMENDMENT

Amend 508:1 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

508:1 Authority Granted. The Hesser College, formerly Hesser Business College, conducted by Hesser, Inc., an educational institution is hereby authorized to confer upon the graduates thereof the degree of associate in business science for the period from June 30, 1973 to June 30, 1975 provided it receives approval of the coordinating board of advanced education and accreditation.

Amend 587:1 as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

587:1 Authority Granted. The Concord College, formerly Concord Commercial College, an educational institution conducted in Manchester, New Hampshire is hereby authorized to confer upon the graduates thereof the degrees of associate in business administration and associate in computer science for the period from June 30, 1973 to June 30, 1975 provided it receives approval of the coordinating board of advanced education and accreditation.

Amendment adopted.

Ordered to third reading.

### HB 234

relative to the minimum caging requirements for certain animals in pet shops and the like and requiring that such cages have clean water at all times. Inexpedient to legislate. Rep. Colburn for Environment and Agriculture.

As a result of the hearing the Department of Agriculture will now send to all pet shop owners a copy of Chapter

443-A and the federal guidelines used in inspections. This accomplishes the main purpose of the bill. Therefore, the report is inexpedient at this time.

Resolution adopted.

(Deputy Speaker in the Chair)

### HB 233

relative to the amount of fees to be charged by the registers of deeds. Ought to pass with amendment. Rep. Hammond for Municipal and County Government.

This bill increases and makes uniform the fees to be charged by all registers of deeds for recording certain type documents.

### AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Repeal. The following sections of the RSA are hereby repealed:

I. RSA 478:17-a as inserted by 1963, 201:2, as amended, relative to fees charged by the register of deeds in Rockingham county;

II. RSA 478:17-b as inserted by 1965, 292:2, relative to fees charged by the register of deeds in Grafton county;

III. RSA 478:17-c as inserted by 1967, 151:1, relative to fees charged by the register of deeds in Belknap county;

IV. RSA 478:17-d as inserted by 1967, 250:1, relative to fees charged by the register of deeds in Cheshire county;

V. RSA 478:17-e as inserted by 1967, 377:1, relative to fees charged by the register of deeds in Sullivan county;

VI. RSA 478:17-f (supp) as inserted by 1971, 169:1, relative to fees charged by the register of deeds in Carroll county;

VII. RSA 478:18-c as inserted by 1967, 442:1, relative to fees charged by the register of deeds in Strafford county;

VIII. RSA 478:25 as inserted by 1965, 377:1, relative to fees charged by the register of deeds in Merrimack county; and



IX. RSA 478:39 (supp) as inserted by 1969, 492:1, as amended, relative to fees charged by the register of deeds in Hillsborough county.

Amendment adopted.

Ordered to third reading.

(Speaker in the Chair)

**HB 135**

relative to including chiropractic services under all public employee health and accident insurance coverage for the state and its political subdivisions. Inexpedient to legislate. Rep. Beaulieu for Public Health and Welfare.

The committee felt that this should be a matter of negotiation between Blue-Cross-Blue Shield and the state employees for service.

Resolution adopted.

**HB 229**

allowing chiropractors to participate in medical service corporations. Ought to pass. Rep. Daniell for Public Health and Welfare.

Bill includes chiropractic services under Blue Shield coverage or any of the coverages supplied by any medical service corporation organized in accordance with RSA 420.

Ordered to third reading.

**HB 272**

increasing the sum paid for care of mentally ill persons in foster homes. Ought to pass. Rep. Barbara C. Thompson for Public Health and Welfare.

This bill increases the compensation paid to families caring for retarded persons, on a per person basis, from one hundred dollars per month to one hundred fifty dollars per month.

Referred to Appropriations.

**HB 183**

to provide right of way for highway purposes through New Hampshire Hospital land. Ought to pass. Rep. Coburn for Public Works.

This bill provides for acquisition of a right-of-way over New Hampshire Hospital land for highway purposes to improve the Everett Turnpike and interstate route 89.

Ordered to third reading.

### **HJR 6**

designating United States route no. 3 and interstate 89 as part of the Blue Star Memorial highway system. Ought to pass. Rep. Alice Davis for Public Works.

This bill provides for designating U. S. route 3 and interstate 89 as part of the Blue Star Memorial Highway System.

Ordered to third reading.

### **HB 136**

providing that resident persons who have attained the age of sixty-two shall be admitted at a reduced charge to certain state recreation areas and allowed the use of the facilities therein without charge. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Subject matter covered by HB 7.

Resolution adopted.

### **HB 168**

relative to the use of campsites in state parks by residents. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Committee felt administrative difficulties would be extreme and poor public relations for a substantially recreational state would be created.

Resolution adopted.

### **HB 9**

to provide for the adoption of absentee voting at certain town, village district and school district annual elections. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

This bill provides for the adoption of absentee voting at town, village district and school district elections where either the Australian ballot system or the nonpartisan ballot system has been adopted. It is not mandatory, but merely allows such a town, village district or school district to

adopt absentee voting because of absence from the town or city or because of physical disability for the annual election of its officers.

The bill requires in towns and districts which adopt the absentee voting provision, the town clerk, village district clerk, or the school district clerk, as the case may be, to prepare absentee ballots, application forms, envelopes and copies of the law and explanatory matter to be used in administering the absentee voting provisions. The forms are set forth in the bill and the explanatory matter is to be prepared by the Secretary of State subject to the approval of the attorney general.

Filing periods of officers of towns and districts which adopt absentee voting have been modified to give the clerk sufficient time to prepare ballots.

The bill further provides that village districts which elects its officers by an official ballot may not adopt the Australian ballot system for the election of its district officers.

The amendment allows the rescission of an earlier action accepting absentee voting.

#### AMENDMENT

Amend section 1 of the bill by inserting after RSA 60:38, as inserted by section 1 of the bill, the following new section:

60:39 Rescission of Absentee Voting Option. Any town having adopted the provisions of this subdivision for absentee voting may rescind its action in the same manner as absentee voting was adopted, except that the question printed on the official ballot shall be: "Shall the action whereby . . . . .(town). . . . . adopted the provisions in accordance with RSA 60 for absentee ballot for the election of . . . . . officers be rescinded?"

Amendment adopted.

Ordered to third reading.

#### HB 81

increasing the amount of political expenditures authorized for candidate in primary elections seeking the office of governor, U. S. senator, representative in Congress, governor's councilor,

county officer, state senator or representative to the general court. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

This act increases the campaign expenditure limit for candidates in primary elections for the office of governor, U. S. senator, representative in Congress, governor's councilor, county officer and state senator from 15c per qualified voter to 25c per qualified voter.

The amendment changes the amount allowed for representatives from the \$750 proposed by the bill to "\$750 or 25c per qualified voter whichever is larger". In multi-representative districts the \$750 would probably not pay for a single mailing.

#### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Primary Campaign Expenditures; Representatives. Amend RSA 70:4, I, (2), as amended, by striking out in line one the words "five hundred dollars" and inserting in place thereof the following (seven hundred and fifty dollars or twenty-five cents multiplied by the number of voters qualified to vote for the office the candidate seeks as of the last preceding biennial election, whichever amount is the larger.) so that said subparagraph as amended shall read as follows:

(2) Representative to the general court, seven hundred and fifty dollars or twenty-five cents multiplied by the number of voters qualified to vote for the office the candidate seeks as of the last preceding biennial election, whichever amount is the larger. In determining whether a candidate has exceeded the sum fixed in this paragraph, no account shall be taken of the following items: The candidate's contribution to the state committee, his filing fee, or his expenditures for personal travel and subsistence expenses. The sums fixed in this paragraph shall include all expenditures, contracts therefor, and use of contributions of money or things of value, tangible or intangible, by a candidate or by others, including political committees, in his behalf and with his knowledge during the period of time he or

others in his behalf and with his knowledge seeks votes for him to and including the date of the primary.

Amendment adopted.

Ordered to third reading.

#### **HB 170**

relative to overtaking and passing upon the right of another vehicle. Ought to pass. Rep. Hamel for Transportation.

Would be permitted only on three lane divided highways. This rule is part of the Uniform Vehicle Code adopted in forty-one states and was requested by the Department of Public Works and Highways.

Ordered to third reading.

#### **HB 238**

prohibiting the operation of snow-covered automobiles on highways. Inexpedient to legislate. Rep. Hamel for Transportation.

While the intent of this bill is commendable, committee felt it would be unenforceable.

Resolution adopted.

#### **HB 204**

establishing a New Hampshire fruit and wine marketing committee. Ought to pass with amendment. Rep. Colburn for Environment and Agriculture.

Bill is report of an interim study and the title is an accurate description. The committee when established will be purely advisory.

### **AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### **AN ACT**

establishing a fruit, wine, and marketing advisory  
committee in New Hampshire.

Amendment adopted.

Ordered to third reading.



**HB 3**

relative to the appropriation of funds for the use of the governor. Ought to pass with amendment. Rep. Shea for Executive Departments and Administration.

The committee felt that the \$15,000 contingent fund was necessary for the governor to have, but that it should be accounted for at the end of each fiscal year.

**AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Appropriations. Amend RSA 4 by inserting after section 18 the following new section: 4:18-a For Use of Governor. Within ninety days following the close of each fiscal year the governor shall submit a financial report of the expenditures made from the governor's contingent fund to the comptroller's office which shall be available to the public.

At the request of Rep. T. Anne Webster, Rep. McLane explained the bill.

Rep. George E. Gordon spoke in favor of the bill.

Amendment adopted.

Ordered to third reading.

**HB 106**

relative to absentee voter registration. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

The new title is explanatory: Prior to this proposed legislation, absentee registration forms were supposed to be available only at the Secretary of State's Office and had to be filed with a City or Town Clerk forty-five days prior to an election. If this passes, forms can be obtained from City or Town Clerks and the forty-five day deadline is eliminated.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Cut-Off Period Eliminated. Amend RSA 55:25 (supp) as inserted by 1967, 271:1, as amended, by striking out said section and inserting in place thereof the following:

55:25 Application; Forms. Any such person may apply to the city or town clerk for an appropriate absentee registration affidavit. Such affidavit shall be prepared by the secretary of state, and shall be in substantially the following form:

Affidavit (Absence from town)

I, ....., do hereby depose as follows:

1) That I am a legal resident of the town of ..... New Hampshire, of the age of eighteen years or over and am entitled to vote in the election to be held in said town in ..... 19....., except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I do not intend to be present within said town at such time prior to said election as shall enable me personally to appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I am temporarily residing in ..... (city, province and country) ; and

4) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

.....  
signature of applicant

Affidavit (Physical Disability)

I, ....., do hereby depose as follows:

1) That I am a legal resident of the town of ..... New Hampshire, of the age of eighteen years or over and am entitled to vote in the election to be held in said town in .....

....., 19....., except for the fact that my name does not appear on the checklist to be used in said town at such election;

2) That I am unable by reason of physical disability to personally appear before the supervisors of the checklist of said town in their regular sessions for the correction of the checklist for said election;

3) That I hereby make application for the addition of my name to the checklist of said town to be used at said election.

.....  
signature of applicant

There shall be printed below the foregoing affidavits the following certificate:

I, ....., the undersigned officer, do hereby certify that on the ..... day of ..... 19....., the above named ....., having satisfied me as to his identity, subscribed the foregoing affidavit in my presence, and did before me swear to (or affirm) the truth of the statements therein contained.

.....  
signature of officer

.....  
title

Such affidavit and certificate shall be forwarded directly to the applicant by the city or town clerk.

Amendment adopted.

Ordered to third reading.

#### EXTENSIONS

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 50, lowering the age of majority from twenty-one to eighteen years of age.

Granted.

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 173, providing for decedent's estates reimbursing the county for medical referees' expenses when services are utilized in accidental or violent deaths.

Granted.

## RESOLUTIONS

Reps. Zachos and Coutermarsh offered the following:

*Whereas*, we are sorry to learn of the illness of former Governor Wesley Powell of Hampton Falls, New Hampshire, therefore be it

*Resolved*, that we, the Members of the Senate and House of Representatives in General Court convened, extend our sympathy to Wesley Powell in his illness and our best wishes for a speedy recovery, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to him.

The clerk read the resolution in full.

Unanimously adopted.

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On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and resolutions by caption only, and that when the House adjourns today, it be to meet Tuesday next at 11:00 a.m.

## LATE SESSION

## Third reading and final passage

HB 262, changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord.

HB 146, relative to the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women.

HB 233, relative to the amount of fees to be charged by the registers of deeds.

HB 229, allowing chiropractors to participate in medical service corporations.

HB 183, to provide right of way for highway purposes through New Hampshire Hospital land.

HJR 6, designating United States route no. 3 and interstate 89 as part of the Blue Star Memorial highway system.

HB 9, to provide for the adoption of absentee voting at certain town, village district and school district annual elections.

HB 81, increasing the amount of political expenditures authorized for candidate in primary elections seeking the office of governor, U.S. senator, representative in Congress, governor's councilor, county officer, state senator or representative to the general court.

HB 170, relative to overtaking and passing upon the right of another vehicle.

HB 204, establishing a fruit, wine, and marketing advisory committee in New Hampshire.

HB 3, relative to the appropriation of funds for the use of the governor.

HB 106, eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks.

### REQUEST FOR RECONSIDERATIONS

Rep. Ruel served notice that today or some subsequent day he will ask for reconsideration of the House action in killing HB 238, prohibiting the operation of snow-covered automobiles on highways.

Rep. Senter served notice that today or some subsequent day he will ask for reconsideration of the House action in passing HB 229, allowing chiropractors to participate in medical service corporations.

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Rep. Coutermarsh announced that today is the nineteenth birthday of Rep. Lamy.

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On motion of Rep. Weeks, the House adjourned at 2:54 p.m.



*Tuesday, 20Feb73*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord, our God, stay with me**

I have *need* of Your presence even though I have to keep on moving.

*Stay with me, Lord, and push me along.*

Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Knight led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Ackerson and Lynch, the day, illness.

Rep. Randall, the week, illness.

Reps. Elizabeth E. Goff, and John B. Goff, the week, important business.

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#### RESOLUTION

Rep. George B. Roberts, Jr. offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 307, 404 through 443 and House Joint Resolution number 21 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS & HJR

First, second reading and referral

HB 307, providing for the preservation of open space land by assessment at valuations based upon the current use thereof

and by permitting discretionary easements of development rights; creating a current use advisory board and making an appropriation therefor. (Johnson of Cheshire Dist. 3; Belair of Rockingham Dist. 5; Kopperl of Merrimack Dist. 9; Harvell of Hillsborough Dist. 9; Greene of Rockingham Dist. 17 — To Environment and Agriculture.)

HB 404, providing that persons eighteen years of age are subject to payment of resident tax. (Boisvert of Hillsborough Dist. 22 — To Ways and Means.)

HB 405, prohibiting water skiing on lower Baker's pond. (Anderson of Grafton Dist. 7 — To Resources, Recreation and Development.)

HB 406, prohibiting the operation of snow traveling vehicles during the daylight hours of the deer and bear season. (Andersen of Merrimack Dist. 15 — To Transportation.)

HB 407, to abolish the town of Hampton reclamation authority. (Parr of Rockingham Dist. 12 — To Municipal and County Government.)

HB 408, providing for insurer notification to employee under group or blanket accident and health insurance policy that premium is not remitted. (Jones of Grafton Dist. 8 — To Banks and Insurance.)

HB 409, changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation. (Drake of Coos Dist. 3 — To Executive Departments and Administration.)

HB 410, relative to license fees for unspayed female dogs. (Karnis of Hillsborough Dist. 4 — To Statutory Revision.)

HB 411, enlarging the scope of the sweepstakes operation. (Sayer of Rockingham Dist. 5 — To Ways and Means.)

HB 412, relative to bob houses or smelt shanties. (Murray of Belknap Dist. 9 — To Fish and Game.)

HB 413, relative to overtaking and passing upon the right of another vehicle. (Sayer of Rockingham Dist. 5 — To Transportation.)

HB 414, to establish a procedure to repeal historic districts in cities and towns. (Whipple of Cheshire Dist. 4 — To Municipal and County Government.)

HB 415, establishing districts for the election of county commissioners in Carroll county. (Chase of Carroll Dist. 4 — To Special Committee on Carroll County Delegation.)

HB 416, establishing a citizens insurance rating advisory board. (Thibeault of Rockingham Dist. 3; Soule of Rockingham Dist. 3 — To Banks and Insurance.)

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company. (Woodward of Merrimack Dist. 20 — To Banks and Insurance.)

HB 418, providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor. (Bartlett of Merrimack Dist. 8 — To Executive Departments and Administration.)

HB 419, relative to votes of confidence in town or city managers. (Pryor of Coos Dist. 7 — To Municipal and County Government.)

HB 420, providing for the establishment of a system of bicycle trails. (Greene of Rockingham Dist. 17 — To Environment and Agriculture.)

HB 421, relative to the appraisal of and payment for diseased animals after their condemnation. (Hall of Hillsborough Dist. 12 — To Environment and Agriculture.)

HB 422, relative to various personal exemptions under the interest and dividends tax. (Hall of Hillsborough Dist. 12 — To Ways and Means.)

HB 423, relative to the board of examiners of nursing home administrators. (Haller of Merrimack Dist. 14 — To Public Health and Welfare.)

HB 424, reapportioning senatorial districts seven and nine by shifting the towns of Warner, Henniker, Dunbarton and Bow. (Chandler of Merrimack Dist. 3 — To Statutory Revision.)

HB 425, to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people, and to abolish the crime of common drunkenness. (Knight of Hillsborough Dist. 8 — To Public Health and Welfare.)

HB 426, defining "woodlands" for clarification of forest fire control purposes. (Karnis of Hillsborough Dist. 4 — To Environment and Agriculture.)

HB 427, relative to penalties for reckless driving. (Mattice of Merrimack Dist. 10; Hamel of Rockingham Dist. 11 — To Transportation.)

HB 428, relative to certain relatives' responsibility in medical assistance cases. (Murray of Hillsborough Dist. 3 — To Judiciary.)

HB 429, relative to the elimination of citizenship requirements for public assistance and relative to the local share of assistance in old age assistance, and aid to permanently and totally disabled. (Murray of Hillsborough Dist. 3 — To Executive Departments and Administration.)

HB 430, relative to increasing the percent of the road toll revenue for highway subsidy to towns and cities. (Wiggins of Sullivan Dist. 8 — To Public Works.)

HB 431, permitting the election of members to the board of adjustment. (Estabrook of Rockingham Dist. 10 — To Municipal and County Government.)

HB 432, relative to enforcement of classifications against pollution of waters. (Sununu of Rockingham Dist. 5 — To Resources, Recreation and Development.)

HB 433, increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the New Hampshire retirement system. (Roberts of Belknap Dist. 4; Huot of Belknap Dist. 6 — To Executive Departments and Administration.)

HB 434, relative to referendum voting by absentee ballot in biennial elections. (Duprey of Carroll Dist. 2 — To Municipal and County Government.)

HB 435, levying an assessment against the state's revenue from alcoholic beverages for the alcohol and drug abuse program. (Knight of Hillsborough Dist. 8 — To Public Health and Welfare.)

HB 436, relative to the biennial distribution of any sur-

plus in the general fund to cities and towns and making an appropriation therefor. (Tavitian of Rockingham Dist. 9 — To Appropriations.)

HB 437, relative to termination or interruption of utility services. (Dudley of Strafford Dist. 4 — To Statutory Revision.)

HB 438, relative to habitual offenders of the motor vehicle laws. (McManus of Strafford Dist. 17 — To Judiciary.)

HB 439, abolishing compulsory immunization of school-children. (Horan of Hillsborough Dist. 27 — To Education.)

HB 440, requiring the filing by public utilities of annual reports of the remuneration of certain employees. (Rock of Hillsborough Dist. 16 — To Statutory Revision.)

HB 441, relative to the inspection of homes for neglected children and adoption procedures. (Goff of Merrimack Dist. 7; Fortier of Coos Dist. 6 — To Public Health and Welfare.)

HB 442, relative to the age of children placed in a child caring agency. (Goff of Rockingham Dist. 5; Goff of Merrimack Dist. 7 — To Public Health and Welfare.)

HB 443, relative to legal representation for caseworkers appearing in court on neglected or abused children cases. (O'Neil of Hillsborough Dist. 32; Murray of Hillsborough Dist. 3 — To Judiciary.)

HJR 21, making an appropriation for the improvement of the Governor Wentworth State Park in Wolfeboro. (Chase of Carroll Dist. 4 — To Resources, Recreation and Development.)

#### ENROLLED BILLS AMENDMENT

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

#### AMENDMENT

Amend section 5 of the bill by striking out line thirteen and inserting in place thereof the following:

(veterans' home, and the deputy superintendent of Laconia state school.)

Amendment adopted.



## COMMITTEE REPORTS

**HB 308**

relative to the income and operating charges of state buildings at Eastern States Exposition. Ought to pass. Rep. Colburn for Environment and Agriculture.

Allows commissioner of agriculture more flexibility in managing the building.

Referred to Appropriations.

**HB 310**

relative to cooperative extension work at the university of New Hampshire and making an appropriation therefor. Ought to pass. Rep. Colburn for Environment and Agriculture.

Appropriates additional state funds for the cooperative extension service so that the percentage of state support will rise. This would relieve the counties of the increased costs which over the last fourteen years have been placed on them by the decreased percentage of state support over this period of years.

Referred to Appropriations.

**HB 221**

providing for public utilities commission reports to be published biannually. Ought to pass. Rep. Joseph L. Cote for Executive Departments and Administration.

Reports were published up to 1969. Funding would come from the utilities, but must be advanced by the state.

Referred to Appropriations.

**HB 240**

providing shift differential compensation for state employees and making an appropriation therefor. Ought to pass. Rep. Roderick H. O'Connor for Executive Departments and Administration.

This bill provides a ten cents an hour pay increase for state employees on night shifts. The committee on Executive Departments and Administration strongly supports some sort of a pay raise for state employees. Although we assume that a comprehensive pay raise bill will be presented later in the session from the A.D. Little report, the SEA or the

Governor's budget, in the meantime we hesitate to kill any pay increase but prefer to send on to Appropriations to await consideration with the other pay increases.

Referred to Appropriations.

**HB 278**

providing for overtime payment for the inspectors in the office of the state fire marshal. Ought to pass. Rep. Cushman for Executive Departments and Administration.

Title explanatory. Committee reasoning same as on HB 240.

Referred to Appropriations.

**HB 157**

providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins. Ought to pass with amendment. Rep. George J. Thibeault for Fish and Game.

This bill will provide that whenever a person shall lawfully take a beaver, otter, or fisher during open season, he shall present the skin to conservation officer for stamping. This gives the fish and game department a record of the catch each season.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1973.

Amendment adopted.

Ordered to third reading.

**HB 267**

relative to the elements of crime which would constitute murder in the first degree, the penalty for which is punishable by death or life imprisonment without parole for twenty-five years. Inexpedient to legislate. Rep. Forcier for Judiciary.

Inexpedient to legislate at request of sponsor. Subject matter under consideration in attorney general's office.

Resolution adopted.

**HB 117**

relative to the qualification of municipal planning board members. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

This bill eliminates the restriction upon certain officials from also serving on municipal planning boards; this action will be particularly valuable to the smaller communities.

**AMENDMENT**

Amend RSA 36:5 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

36:5 Qualifications and Terms of Members. In the case of towns, appointed members of the planning board may also serve on any other municipal board or commission provided that no more than one planning board member shall be from the same board or commission. In the case of cities, appointed members shall not hold any other municipal office except that one of such appointed members may be a member of the zoning board of adjustment. The terms of ex officio members shall correspond to their respective official tenures, except in the case of cities that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years in the case of nine-member planning boards, five years in the case of seven-member planning boards and four years in the case of five-member planning boards, except that the respective terms of five of the members first appointed to a nine-member or a seven-member planning board shall be one, two, three, four, and five years; and in the case of five-member planning boards that the respective terms of the four members first appointed shall be one, two, three, and four years.

Amendment adopted.

Ordered to third reading.

**HB 224**

to reclassify a certain section of highway in the town of Orange. Ought to pass. Rep. Martineau for Public Works.

This bill reclassifies a section of Orange Road in the town of Orange from a class II highway to a class V highway.

Referred to Appropriations.

**HB 245**

naming Ragged Mountain Highway. Ought to pass. Rep. Coburn for Public Works.

It is proposed under this bill to name a portion of highway route 104 from Danbury to interstate 93 as Ragged Mountain Highway.

Ordered to third reading.

**HB 248**

relative to the construction or reconstruction of a bridge in the town of Jefferson. Ought to pass. Rep. Fortier for Public Works.

This bill provides for the construction or reconstruction of a bridge on highway route 2 in the town of Jefferson.

Referred to Appropriations.

Rep. Joseph L. Cote requested a quorum count and subsequently withdrew his request.

**SENATE MESSAGES****INTRODUCTION OF SCR**

First, second reading & referral

**SENATE CONCURRENT RESOLUTION NO. 3**

Memorializing the Congress of the United States to enact legislation which will grant the Social Security increase without having any welfare assistance or veteran's pension reduced.

*Whereas*, Social Security payments were increased effective as of October 1, 1972.

*Whereas*, there are social security recipients of New Hampshire who have been terminated from the donated food program and/or who have had their old age assistance grants or veteran's pension reduced as a result of receiving the social security increase.

*Whereas*, these particular recipients have thus had no actual increase in their economic status because of the reductions in their welfare assistance or veteran's pension.

*Now therefore be it resolved* by the Senate of the General Court of New Hampshire, the House of Representatives concurring:

That the Congress of the United States is hereby memorialized to enact legislation which will grant this recent social security increase without having any welfare assistance or veteran's pension reduced because of such social security increase, and

*Be it further resolved*, that pending such congressional action all federal, state and local officials, in their respective official capacities, are urged to attempt to remedy administratively this unfortunate situation, and

*Be it further resolved*, that these recipients are urged to exercise their legal rights to rectify this situation, and

*Be it further resolved*, that the secretary of state be instructed to forward a copy of these resolutions to the President of the United States, the Vice President of the United States, the Speaker of the House of Representatives, and to each member of the congressional delegation from New Hampshire.

Referred to Resolutions Committee.

## INTRODUCTION OF SENATE BILLS

First, second reading & referral

SB 19, to further protect the citizens of New Hampshire from unfair and discriminatory practices. Judiciary.

SB 36, relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto. Resources, Recreation and Development.

SB 41, relative to increasing the amount of homestead. Ways and Means.

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Rep. Vachon welcomed back the Clerk, J. Milton Street.

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The Speaker called for the Special Order.

## COMMITTEE REPORTS CONTINUED

### HB 61

repealing sections of the statutes relative to abortion. Inexpedient to legislate. Rep. Pierce for Public Health and Welfare.



Covered by pending legislation. Sub-committee is submitting legislation to conform to recent Supreme Court ruling.

At the request of Rep. Horan, Rep. Haller answered questions.

(discussion)

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Pierce and Brungot spoke against the motion.

Rep. Horan moved that HB 61 be laid on the table.

Motion lost.

Question being on Rep. Horan's motion, ought to pass.

Motion lost.

Question being on the committee report, inexpedient to legislate.

Resolution adopted.

## **HB 21**

providing for changing the classification of Kezar Lake in the towns of New London and Sutton. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

No likelihood of Kezar Lake attaining Class A actual status in intermediate future; possible arbitrary burden on New London's sewage treatment.

Rep. Sherman moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of his motion.

(discussion)

Reps. Claflin, Roger K. Warren, Cushman and Kopperl spoke against the motion.

Rep. James A. Humphrey spoke in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the negative the motion lost.

Resolution adopted.

#### **HB 99**

establishing a public land and water fund. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Authorizes Fish and Game to receive gifts of land, water rights, money or services in the best interest of public recreation; amendment prevents acquisition of dams or other water impoundment areas without specific prior legislative approval.

#### **AMENDMENT**

Amend the introductory paragraph of RSA 206:41, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

206:41 Public Land and Water Fund. The department of fish and game is authorized to receive gifts of land, water, water rights, money or services from any source and to purchase and hold both real and personal property acquired thereby; provided however, that no dam or other water impoundment structure shall be acquired under the provisions of this section without specific prior legislative approval.

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Rep. Patrick moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Kopperl and Oleson spoke against the motion.

(discussion)

Rep. Metcalf spoke in favor of the motion.

Rep. Merrill moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Amendment adopted.

Referred to Appropriations.

**HB 144**

relative to the inclusion of police employees in the New Hampshire Retirement System. Inexpedient to legislate. Rep. Charles B. Roberts for Executive Departments and Administration.

Would have made the state pay the accrued liability because Nashua and Manchester police did not join the state retirement system originally.

Rep. McLane moved that HB 144 be recommitted to committee on Executive Departments and Administration, and spoke in favor of the motion.

Rep. Vachon spoke in favor of the motion.

Adopted.

**HB 232**

relative to changing the type of notice required to one who has failed to re-register as an eligible voter. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This act provides that regular mail is sufficient notice to one who has not re-registered to vote as he is required to do under the ten year checklist verification to remain an eligible voter. The law now provides for certified mail as the type of notice required. The committee feels that the notice is important enough to justify certified mail handling.

Rep. Knight moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Martineau and Rich spoke in favor of the motion.

Rep. Russell C. Chase spoke against the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

On a vv the Speaker was in doubt and requested a division.

103 members having voted in the affirmative, and 79 in the negative, the motion prevailed.

Ordered to third reading.

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25 October 1972

TO: The Honorable President of the Senate

The Honorable Speaker of the House

Report of the interim committee to study the problems  
of disposing of beverage bottles and cans.

The committee was established by Chapter 67 (amended HB 63) of the 1971 session to "study proposals for the recycling of bottles and cans" and "the problems engendered by the disposal of beverage containers and of the need or advisability of the enactment of laws relating to the subject."

The committee held seven meetings at the State House between November 15, 1971, and October 20, 1972, with over 80% attendance of the members. Ernest B. Brown was elected chairman and Pierce Burgess clerk. This is the committee's final report, an interim report having been filed as required on January 13, 1972. Meetings were public, with proper notice given, but attendance was sparse. Among those offering testimony were the College of Agriculture of UNH, the New Hampshire Division of Public Health, Glass Container Manufacturers Institute, U.S. Brewers Association, American Can Company and New Hampshire Distributors, Inc.

Members of the committee received for study printed material from the above organizations, from the State Geologist, from the federal Environmental Protection Agency, from the National Center for Resource Recovery, Inc., and from other sources. Copies of recent legislation in the states of Oregon, Washington and Vermont were obtained. Individual members supplemented these sources with attendance at public and industry meetings, and by telephone and letter.

The committee had no appropriation but received certain courtesy services from personnel in the State House and is par-

ticularly grateful to the offices of the Speaker of the House, the Clerk of the House and Legislative Services.

The committee found the recycling of beverage containers to be an integral part of the solid waste disposal problem that should not be considered separately, and has attempted to include the wider area in its study. What may turn out to be the most important result of the committee's existence was an invitation to sponsor an all-day symposium on solid waste disposal scheduled to be held in Concord on November 15th, which the committee accepted after obtaining the approval and cooperation of the Speaker's Office. The program will be participated in by state and federal agencies and by manufacturers, and will be open to all, with specific invitations going to all conservation commissions in New Hampshire, among others.

The committee presents the following findings and recommendations:

1. Solid waste constitutes not merely a set of disposal problems but, even more importantly, a large undeveloped national resource.

2. Laws concerning solid waste management, both existing and proposed, should recognize its regional, rather than merely local, requirements.

3. Technology capable of solving the problems of solid waste management has been, or promises soon to be, developed.

4. Therefore, our cities and towns should be encouraged to consider investment in solid waste disposal plants with the greatest care and in the light of only the most recent technology. The advice of the State Geologist should be obtained in selecting sites for sanitary landfill.

5. The state's environmental agencies should be consolidated into an environmental protection department along the lines proposed by the January 1971 report of the Governor's Environmental Council and translated into Senate Bill 244 of the 1971 session, with clear definition of authority and adequate funding.

6. Public education should be continued to facilitate the solution of solid waste disposal problems. Cooperation of the public is required to ensure successful litter prevention and



waste recycling. Private industry should be encouraged to continue such efforts for the education of the public as the "Pitch In" program.

7. Legislation affecting litter has been enacted in several states, varying from wide-base taxing to outright bans on certain packages. None has been time-tested and the effects cannot yet be assessed. The committee recommends that the legislature continue to study the effect of such legislation on our litter problem and that it act only after sufficient data has become available to permit a prudent judgment.

8. It is recommended that the legislature continue the work of the committee beyond the date of its final report, and more clearly define its responsibility.

Respectfully submitted,

Ernest B. Brown, Chairman

Members:

Senate: Bradshaw, McCarthy, Porter.

House: Brown, Burrows, Tirrell.

Public: Pierce Burgess, Robert Heath, Alexander Murchie, William Umbreit.

## RECESS

## AFTER RECESS

## ENROLLED BILLS REPORT

HB 52, changing the name of the New Hampshire Industrial School to the New Hampshire Youth Development Center.

HB 78, authorizing the bank commissioner with the consent of the superior court to appoint the federal deposit insurance corporation as liquidating agent of a closed or insolvent New Hampshire bank.

HB 160, increasing the lending limit of trust companies on real estate mortgages in New England.

SB 3, relative to exempting steam locomotives and engines from the provisions of the air pollution control law.

CACR 10, Relating To: Removing The Deadline Date on

Paying Legislative Mileage. Providing That: The First Day of July be Repealed.

Mabel L. Richardson  
*For the Committee.*

### COMMUNICATION

February 18, 1973

Honorable James O'Neil, Sr.  
Speaker of the House

Dear Mr. O'Neil,

The members of Concord Post No. 21 have recently learned of the need of the N. H. General Court for adequate space for large Committee Hearings.

Past history has shown that the N. H. Legislature has been considerate to the Veteran and his dependents. Therefore, we of Concord Post No. 21 wish to offer the free use of our large meeting hall at 11 School Street, Concord, during the daylight hours, or evening if necessary, when it is not in use, for the balance of the Legislative Session. We would also be happy to make available smaller space as needed. It certainly would be appreciated if we could have at least twenty-four hours notice, to make arrangements in the hall. I might also point out to you that on Tuesdays we operate a Beano game which begins at seven-thirty, and special plans would have to be made should this night be needed by your group.

If adequate space does not materialize for future sessions, we would be happy to work out some arrangements with future leaders of the Legislature. It is always a pleasure to serve our Community, State and Nation.

Very truly yours,  
Alan Stevens, Commander  
Concord Post No. 21  
American Legion

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### RESOLUTIONS

Reps. Milne, Vachon and Charles B. Roberts offered the following:

*Whereas*, the problem of legislative parking is a seemingly endless battle whenever the General Court convenes in the capital city, and

*Whereas*, it seems that the problem was even more intensive when the 1973 session convened, and

*Whereas*, through the cooperation of the Concord Housing Authority and, specifically James R. Griffin, the Director of Urban Renewal, negotiations for a lot in the Concord Urban Renewal Area, were completed, therefore be it

*Resolved*, that the House of Representatives does commend said Concord Housing Authority and James R. Griffin as Director for their cooperation in alleviating a problem of no small consequence which causes irritation to citizens and merchants of the city of Concord, and be it further

*Resolved*, that the House of Representatives does congratulate James R. Griffin for his recent appointment as Director of the Urban Renewal in Haverhill, Massachusetts, and wishes him Godspeed in his new position.

## RESOLUTIONS

Reps. Milne, Vachon and Charles B. Roberts offered the following:

*Whereas*, the never-ending problem of legislative parking has been eased, at least temporarily, by the establishment and maintenance of a legislative parking lot adjacent to the capitol, and

*Whereas*, it was through the diligence and cooperation of the Department of Public Works and Highways that said facility was renovated to make its usage possible, and

*Whereas*, those persons most specifically involved were Commissioner Robert Whitaker, Assistant Commissioner Ruel Webb, Assistant Maintenance Engineer Leon Kenison, and Foreman Michael Hazen, therefore be it

*Resolved*, that the House of Representatives acknowledge the swift and efficient work performed by the Department in preparing the legislative parking lot, and be it further

*Resolved*, that because of the Department's excellent record in the New Hampshire Highway system that the swift accomplishment of such performance was not unexpected because of such record, and be it further

*Resolved*, that copies of this resolution be forwarded to the Department and to the individuals named above as a token of the House's appreciation.

### RESOLUTIONS

Rep. Guy J. Fortier, for the Berlin Delegation, offered the following:

*Whereas*, we have learned with sorrow of the death of Edgar J. Roy, former Representative from Berlin, and

*Whereas*, Edgar J. Roy served his community faithfully and with efficiency, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Edgar J. Roy, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### EXTENSIONS

Rep. McLane moved that the committee on Executive Departments and Administration and be granted a six-day extension on HB 216, relative to the examination, certification and regulation of arborists.

Granted.

Rep. Hamel moved that the committee on Transportation be granted a six-day extension on HB 199, requiring spark arrestors on motor vehicles operating the woodlands without snow cover.

Granted.

### SUSPENSION OF RULES

Rep. Merrill moved that the rules of the House be so far

suspended as to allow the granting of an extension of fifteen days to the committee on Labor, Human Resources and Rehabilitation on HB 253, to adopt an occupational safety and health law for the state of New Hampshire.

Adopted by the necessary two-thirds.

#### VACATES

Rep. Milne moved that the House vacate the reference of Senate Concurrent Resolution 2, Memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber to the committee on Resolutions and re-refer said resolution to the committee on Ways and Means.

Adopted.

Rep. Arthur F. Mann moved that the House vacate the reference of HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord, to the committee on Public Works and re-refer said bill to the committee on Appropriations.

Adopted.

#### COMMITTEE REPORTS CONTINUED

##### HB 187

repealing the statutes relative to travel allowance for officers and employees of the general court. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This bill would repeal the statutes providing for the payment of a mileage allowance to officers or employees of the general court for each day of attendance during a legislative session up to a maximum of one hundred miles for the round trip. This by itself is only a partial and not effective solution to the major problem of paying legislative employees fairly. The committee recommends inexpedient to legislate.

Rep. Ferguson moved that the words, ought to pass with amendment be substituted for the committee report, inexpedient to legislate.

The clerk read the amendment in full.

Rep. Ferguson spoke in favor of the motion.



## PERSONAL PRIVILEGE

Rep. Newell rose on a point of personal privilege.

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Reps. Russell C. Chase, Lawton, Coutermarsh, Daniell, Altman and James E. O'Neil, Sr. spoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

## SENATE MESSAGES

## ADOPTION ENROLLED BILLS AMENDMENT

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

## ENROLLED BILLS REPORT

HB 1, relative to the qualification and appointment of the superintendent, assistant superintendent and assistant superintendent for professional services of the New Hampshire Hospital.

Mabel L. Richardson

*For The Committee*

## COMMITTEE REPORTS CONTINUED

## HB 34

relative to the use of bicycles on public highways, special bicycle paths or trails and the licensing of same. Ought to pass with amendment. Rep. Hamel for Transportation.

Amendment provides for: (1) exclusion of non-residents from registration, (2) carrying an infant by parent, (3) prohibition against carrying anything which will obstruct rider's view, (4) bicycle law to cover all people regardless of age, (5) clarification of existing law on hitching rides by holding to a moving vehicle, (6) the law to be printed in pamphlet form.

Amendment adopted.

Rep. Gerry F. Parker moved that HB 34 be indefinitely postponed and spoke in favor of the motion.

(discussion)

(Rep. George B. Roberts, Jr. in the chair)

Reps. Hamel and Sanborn spoke against the motion.

Rep. Stevenson moved that HB 34 be recommitted to the committee on Transportation and subsequently withdrew his motion.

Rep. Spirou spoke in favor of recommitment.

Motion adopted.

### HB 111

to repeal peace bond on appeal from conviction for driving while intoxicated under the influence of drugs or recklessly, Ought to pass with amendment. Rep. Close for Judiciary.

As amended, provides that whenever a district court finds a person guilty of DWI the court shall forthwith revoke his license to drive a motor vehicle and return the license to the director of motor vehicles.

### AMENDMENT

Amend the bill by striking all of paragraph 2 and inserting in place thereof the following:

2 Revocation of License and Appeal. Amend RSA 262-A:65 (supp) as inserted by 1963, 330:1, as amended, by striking out said section and inserting in place thereof the following:

262-A:65 Revocation of License and Appeal. Whenever any person convicted of a violation of section 61 or 62 appeals, the municipal or district court shall forthwith revoke the license of such person and, in case of a holder of a New Hampshire license, shall return such license together with the court return to the director who shall not reissue any license until the period of revocation determined by the court has elapsed.

Amendment adopted.

Ordered to third reading.

### HB 211

relative to the reporting of injury to any domestic animal

by the operator of a motor vehicle. Inexpedient to legislate. Rep. Hamel for Transportation.

While sympathetic to the problem, the committee felt the proposed law would be difficult to enforce.

Rep. Sabbow moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Hamel moved that HB 211 be indefinitely postponed, and spoke in favor of the motion.

(discussion)

Rep. D'Amante spoke in favor of the motion.

Reps. Harrison, Fred E. Murray and Allen spoke against the motion.

Rep. Sabbow spoke against the motion.

Adopted.

(Speaker in the Chair)

#### PERSONAL PRIVILEGE

Rep. Bednar rose on a point of personal privilege.

Rep. Rock moved that the remarks of Rep. Bednar be printed in the Journal.

Adopted.

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Mr. Speaker and Members of the House. Since July, 1972, I have been the recipient of personal attacks by at least one editor and reporter who are employed by the Manchester Union Leader, which attacks culminated in the loss of my *only full time* job on October 3, 1972, as Supervisor of the Prisoner Work Release program for Hillsborough County at a salary of \$7,000.-00 per year.

As the able Deputy Speaker of the House, Rep. Zachos, put it on Wednesday, February 14, individuals are usually hired on the basis of their ability and performance of the duties assigned to them.

The Hillsborough County Commissioners, at a County

Convention last Summer, admitted publicly, with the Press present, that I performed all the duties required of me and that they were well satisfied with my assigned work.

Although the Press and Radio were present, the public was not so informed.

There seems to be a coincidence between the negative publicity I have been receiving and a letter I received from the Publisher of the Manchester Union Leader, dictated June 21, 1972 and typed June 26, 1972, which reads as follows:

"Dear Mr. Bednar:

"Jim Finnegan wrote that he tried to reach you by phone but has been unable to get in touch with you.

Since Jim has left on vacation, I would like to make mention of the recent attacks on Tom Muller and the UNION LEADER. I don't think this was very sensible or effective on your part. This sort of activity would hardly endear you to anyone at the paper.

Jim will be in touch with you on his return,

Very sincerely,

(signed)

William Loeb

Publisher"

I can truthfully say that I have had good relations with Mr. Loeb in the past as can be attested to by letters received from him in the past. However, to date, Jim has never been in touch with me — but a torrent of negative publicity has resulted to date.

Saturday, February 3, 1973, Page 1, with my oft repeated picture on Page 12, and a torrent of jumbled up words and innuendos, I again became the target of a vicious attack in an attempt to discredit me as a Representative from Hudson because, according to the reporter, I have "steadfastly opposed an investigation of the Hillsborough County Government system."

I do not, will not, or never will, buckle to any news media to do their bidding for that is not what I was elected as a Repre-

sentative for and I trust that the members of Hillsborough County also take their duties and responsibilities seriously and in a similar vein.

I have, to date, clipped all the news items and supposed "accurate quotes" concerning my activities as a Prisoner Work Release Supervisor for Hillsborough County.

Since the Sullivan v. New York Times case, news media have been hiding behind Article I of the Amendments to the U.S. Constitution and attacking political figures at will regardless of the accuracy of the content or the supposed "quotes" from individuals.

I say to you that, if any news media in this State wishes to sign a waiver of Article I, or the U. S. Constitution, guaranteeing Freedom of Speech and Press, I shall be only too happy to square off in Court to determine the validity of what I consider to be libelous information printed under the heading of sensational news for readers of the State of New Hampshire.

In my opinion, it is highly un-American to hide behind a law which enables the Press and Radio to malign persons elected or appointed to public office, outside of their assigned duties, and delve into their private lives, without such individuals having recourse to our Courts.

If pornographic material is bad for the reader's mind, I wonder what you could call some "supposed news stories."

The powers granted to the Press and Radio under Article I, was not intended by our forefathers to abuse or libel individuals who are elected or appointed to public office in order to bring them to their knees so that they will agree with the writer of the news items.

Such dictatorial action (one-sided to say the least) is Un-American and belongs to a Country like Russia or China and the U. S. Supreme Court should be ashamed of itself when it rendered such an obnoxious decision in the Sullivan v. New York Times case.

Contrary to reports, I was never favored by any County, State, or Federal Officials at any time during my term of office as a Representative or office in the Town of Hudson. In fact, none of you, or the Press, or Radio, have ever seen my name on an appointment list of any Governor in this State, even though I have qualified for some of the appointments which



have gone to some political persons less qualified than myself during the past years — and I make no bones about that.

I could stand here for hours rebutting, point by point; with adequate proof, discrepancies which are very serious in the supposed news items as they have appeared in the Press. In fact, I have back-up affidavits and letters to refute many portions of the news articles and quotes from the Hillsborough County Commissioners' minutes of their meetings.

It is too bad that the actions of the majority members of the Hillsborough County Commissioners have to be guided by what a newspaper or radio thinks or wants them to do, and not by their own consciences and the requirements of the voters who elected them to their office.

In my humble opinion, the Power of the Press was not intended by the architects of our Constitution to be a Power to destroy those individuals who do not conform to their way of thinking. It was intended to be a Power to inform the Peoples within the confines of human decency.

I believe in the slogan — "There is nothing more powerful than the truth" uttered by the famed Daniel Webster. I would like to see it practiced by the Press and Radio in this State.

Finally, my father, a naturalized citizen of this Country, left me with only one inheritance: namely, to fight for what I believe is right and no editor or reporter, or radio news man, will ever take this inheritance from me, regardless of personal attacks.

#### COMMITTEE REPORTS (CONTINUED)

##### HB 260

Limiting to one set the number of legislative registration plates. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

The amendment allows two sets of legislative registration plates per member of the general court. Prior wording allowed the second set for the "spouse". This would eliminate any possibility of a legislator receiving more than two sets.

#### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

limiting to two sets the number of legislative  
registration plates.

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Legislative Plates; Limitation. Amend RSA 260:10, as amended, by striking out in lines four and five the words "or their spouse"; by striking out in line six the words "or their spouse"; and inserting in line eleven after the word "departments" the following (The director shall not issue to members of the general court more than two sets of special plates.) so that said section as amended shall read as follows:

260:10 Special Number Plates. Upon payment of motor vehicle registration fee, if any, the director may issue a special plate, to be designated by him, to be affixed to the vehicle of the governor, the members of the governor's council, president of the senate, members of the senate, speaker of the house of representatives, members of the house of representatives, the attorney general and his deputy, county sheriffs, deputy sheriffs, and vehicles of state police and motor vehicle departments. Said special plates shall be issued at no cost to the state other than those plates furnished to the governor, the members of the governor's council, the president of the senate, speaker of the house of representatives, state police and motor vehicle departments. The director shall not issue to members of the general court more than two sets of special plates.

Amendment adopted.

Rep. Gay offered an amendment.

Rep. Gay moved to suspend with the reading of the amendment.

Adopted.

Rep. Gay explained the amendment.

(discussion)

Rep. Chase spoke against the amendment.

Gay amendment lost.

Ordered to third reading.

**HB 261**

to provide for a uniform fire and safety code applicable to all towns and village districts of the state. Ought to pass with amendment. Rep. Montplaisir for Banks and Insurance.

Allows towns and village districts to adopt National Fire Safety Code. Local authorities *may* enforce code and *shall* have assistance of the fire marshal's office.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 By-laws and Inspections. Amend RSA 155:1 by striking out said section and inserting in place thereof the following:

155:1 By-laws. Town and village districts may make by-laws requiring factories, hotels, tenement houses, public buildings, school houses, places of assembly as defined in RSA 155:17, I, and other buildings used as places of public resort in their towns, to be so erected as not to endanger the health and safety of persons who may occupy them; however, any by-law relative to safety from fire in buildings and structures adopted by a town or village district of the state shall conform to the life safety code promulgated by the state fire marshal; such by-law may provide for local inspections and enforcement and shall include assistance of the state fire marshal where required.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. The following provisions are hereby repealed:

I. RSA 155:7, 8 and 9 — 16, inclusive, relative to hallways, stairways and fire escapes and exits.

II. RSA 155:17, III, IV, V, VI, IX, X, XI, XII, and XV, relative to definitions of places of assembly.

III. RSA 155:21 — 33, 35 and 36, relative to requirements of places of assembly.

Amendment adopted.

Rep. Williamson offered an amendment.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 By-laws and Inspections. Amend RSA 155:1 by striking out said section and inserting in place thereof the following:

155:1 By-laws. Town and village districts may make by-laws requiring factories, hotels, tenement houses, public buildings, school houses, places of assembly as defined in RSA 155:17, 1, and other buildings used as places of public resort in their towns, to be so erected as not to endanger the health and safety of persons who may occupy them; however, any by-law relative to safety from fire in buildings and structures adopted by a town or village district of the state shall conform to the life safety code, which is in effect at the time the by-law is adopted and as promulgated by the state fire marshal; such by-law may provide for local inspections and enforcement and shall include assistance of the state fire marshal where required.

The clerk read the amendment in full.

Rep. Williamson explained the amendment.

Rep. Bigelow spoke in favor of the amendment.

Amendment adopted.

Rep. Pryor moved that HB 261 be indefinitely postponed and spoke in favor of the motion.

Rep. Bigelow spoke against the motion.

(discussion)

Rep. Gordon spoke in favor of the motion.

Motion lost.

A division was requested and subsequently withdrawn.

Ordered to third reading.

### EXTENSION

Rep. Claflin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 129, to reimburse the town of Lincoln for its outstanding share of indebtedness on bonds issued for the cost of its industrial waste treatment plant and to make an appropriation therefor.

Granted.

Rep. Weeks moved that all bills not acted upon today be made a special order of business for tomorrow.

Adopted.

On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, and that when the House adjourns today, it be to meet tomorrow at 11:00 a.m.

### LATE SESSION

#### Third reading and final passage

HB 157, providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins.

HB 245, naming Ragged Mountain Highway.

HB 117, relative to the qualification of municipal planning board members.

HB 232, relative to changing the type of notice required to one who has failed to re-register as an eligible voter.

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated under the influence of drugs or recklessly.

HB 260, limiting to two sets the number of legislative registration plates.

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the state.

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On motion of Rep. Maloomian, the House adjourned at 4:20 p.m.

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*Wednesday, 21Feb73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**My Lord God**, although I try to see the road ahead of me, I cannot know for certain where it will end. Nor do I really know myself and the fact that I think that I am following Your



will does not mean that I am actually doing so. But I believe that the desire to please You does in fact please You. And I hope that I will never do anything apart from that desire. And I know if I do this You will lead me by the right road though I may know nothing about it. Therefore will I trust You always though I may seem to be lost and in the shadow of death. I will not fear, for You are ever with me and will never leave me alone to face my perils. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Leighton led the Pledge of Allegiance.

(Deputy Speaker in the Chair)

### LEAVES OF ABSENCE

Rep. Ackerson, the day, illness.

Reps. Tarr, Twigg and Sununu, the day, important business.

Reps. Joncas and Lefebvre, today and tomorrow, important business.

### QUALIFIED

February 21, 1973

Mr. J. Milton Street, Clerk  
House of Representatives

Dear Mr. Street:

This is to advise you that John T. Winn, of Nashua, was sworn in as Representative for Hillsborough County District No. 19 at the Governor and Council meeting held February 21, 1973.

Robert L. Stark  
Secretary of State

### RESIGNATION

February 16, 1973

Mr. Speaker,

It is with deepest regret that I write my resignation as a

Representative to the General Court. I find it impossible to fulfill my obligations for personal reasons.

Katherine K. Barrett  
38 Middle St.  
Keene, N. H.

Accepted with regret.

### EXTENSION

Rep. Hamel moved that the committee on Transportation be granted a six-day extension on HB 193, requiring open vehicles to be covered when carrying particulate material.

Granted.

### RESOLUTION

George B. Roberts, Jr. offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 444 through 447 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 444, legalizing the annual town meeting held in the town of Barrington on June 13, 1972. (Rowell of Strafford Dist. 3 — To Municipal and County Government.)

HB 445, relative to overtime payment for certain classified state employees with arrest powers and making an appropriation therefor. (Chamberlin of Grafton Dist. 2; Gemmill of Grafton Dist. 10; Coutermarsh of Hillsborough Dist. 24 — To Executive Departments and Administration.)

HB 446, relative to support of relatives. (Leighton of Strafford Dist. 13 — To Judiciary.)

HB 447, to define the terms "when accompanied" as used in the fish and game laws. (Scott of Sullivan Dist. 6 — To Fish and Game.)

The Speaker announced that Rep. Raymond is celebrating his 63rd birthday today.

### COMMITTEE REPORTS

#### **HB 164**

making an additional appropriation for school building aid. Inexpedient to legislate. Rep. Drake for Appropriations.

Covered by other legislation.

Rep. Drake explained the committee report.

Resolution adopted.

#### **SJR 2**

providing a supplemental appropriation for school building aid. Ought to pass. Rep. Drake for Appropriations.

Title self-explanatory.

Ordered to third reading.

#### **HB 289**

providing that banks which give mortgages on real property may not levy a service charge against the seller of the property. Inexpedient to legislate. Rep. Woodward for Banks and Insurance.

No evidence presented committee that this bill was needed at the present time.

Rep. Chris K. Andersen moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Bigelow spoke against the motion.

(discussion)

Rep. George J. Thibeault spoke in favor of the motion.

A division was requested.

It being manifestly in the affirmative the motion prevailed.

Ordered to third reading.

#### **HB 266**

relative to salary increases upon certification and eligibility for certification of certain medical personnel. Ought to pass.

Rep. Withington for Executive Departments and Administration.

Awards state employed doctors and dentists \$1,000 per year for being specialty board eligible and \$3,000 for being board certified. State psychiatrists now receive these increases, which should serve to upgrade state medical personnel. Estimated cost \$18,000.

Referred to Appropriations.

#### HB 274

to place a bounty on eastern coyotes (*canis latraus*) . Inexpedient to legislate. Rep. Griffin for Fish and Game.

Sponsor asked to withdraw this bill. Another bill covering this subject is pending by sponsor.

Resolution adopted.

#### HB 142

relative to zoning law procedure. Ought to pass with amendment. Rep. Ezra B. Mann for Municipal and County Government.

This bill prescribes the method by which a protest may be made by property owners, against a proposed change in zoning ordinances in their particular area.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Changes in Zoning Ordinances. Amend RSA 31:64, as amended, by striking out said section and inserting in place thereof the following:

31:64 Changes in Regulations, Etc. Such regulations, restrictions and boundaries may from time to time be amended or repealed. In case of a protest against such change in a specific area, signed by the owners of twenty percent either of the total area of all the lots included in such proposed change, or of the total area of all the lots included in such proposed change and those immediately adjacent in the rear thereof extending one hundred feet therefrom, or of the total area of all the lots included in such proposed change and of those directly opposite

thereto extending one hundred feet from the street frontage of such opposite lots, such amendment or repeal shall not become effective except by the favorable vote of two-thirds of all the members of the legislative body of such municipality present and voting. The protest petition shall contain the name of the property owner and his address, the location of the property, the area of the property owned and a descriptive information as to lot number, plan number or other accepted means of identification. Said petition shall be presented to the planning board before or during the second public hearing on the proposed changes to such regulations, restrictions or boundaries.

At the request of Rep. T. Anne Webster, Rep. Hanson answered questions.

Amendment adopted.

Ordered to third reading.

#### HB 228

relative to requirements for renewal of chiropractor's license. Ought to pass with amendment. Rep. Daniell for Public Health and Welfare.

The bill requires chiropractors to annually attend at least one seminar approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association or any state-chartered chiropractic school or college, within one year prior to the date of renewal.

#### AMENDMENT

Amend RSA 316:17 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

316:17 Renewal. Any person holding a chiropractor's license may have the same renewed upon application and payment of a fee of twenty dollars. Each applicant shall submit satisfactory evidence of continuing education by annually attending at least one seminar approved by or conducted by the International Chiropractors Association, or the American Chiropractic Association, or the New Hampshire Chiropractic Board of Examiners, or any state-chartered chiropractic school or college, within one year prior to the date of renewal. In the event of failure to comply with the provisions of this section the



applicant shall appear before said board to show cause why his license should not be suspended. The requirement of educational seminars shall apply to resident chiropractors practicing in this state.

Amendment adopted.

Ordered to third reading.

## HB 10

relative to the registration and operation of off highway recreational vehicles. Ought to pass with amendment. Rep. Hamel for Transportation.

Bill as printed remains basically the same. The amendments (1) give foot travelers the right of way, (2) keep OHRV's fifty feet from occupied dwellings, (3) keep them under 4000 feet elevation except on designated trails, (4) rearranges the sections pertaining to highways and makes them conform to existing law, (5) adds "winter sports" to the Duty of Care section and (6) clarifies the responsibility of DRED.

## AMENDMENT

Amend RSA 269-C:3 as inserted by section 1 of the bill, by inserting after paragraph III, the following new paragraph:

IV. The bureau shall also have the responsibility to make or participate in a continuing study of the effect that OHRV operation has on the environment. If other state agencies are involved in an overall study of this nature, the bureau shall cooperate with such agencies, and maintain a record of all findings that pertain to OHRVs

Amend RSA 269-C:6, II as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

II. No person shall operate an OHRV, other than a snow traveling vehicle, upon any portion of the right of way of any public way except as hereinafter provided.

Amend RSA 269-C:7, as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

269-C:7 OHRV Public Highway Limitations. The provi-

sions of RSA 249:52 shall apply to all OHRV's as herein defined with the following exceptions:

I. During the period beginning one-half hour before sunrise and ending one-half hour after sunset a person may operate a snow traveling vehicle on the rights of way, exclusive of the traveled portions, sidewalks and plowed snowbanks, of public highways other than interstate highways, toll roads, or limited access highways.

II. Highway crossings for established OHRV trails may be granted by written permission from the commissioner of the department of public works and highways or his representative. No direct crossings of interstate highways, toll roads or limited access highways will be permitted. The commissioner of the department of public works and highways may issue written permission for OHRV trail crossings either under or over interstate toll or limited access highways. The policy governing such OHRV trail crossings and OHRV trail crossings on class I, class II, class III and certain controlled access highways shall be as determined by the commissioner of the department of public works and highways.

III. In operating OHRV's within the rights of way adjacent to certain highways between points of loading or unloading and areas of OHRV operations, as provided in RSA 249:52, the one-way distance traveled in such public right of way shall be not greater than five hundred feet and OHRV speed shall not exceed fifteen miles per hour.

IV. Notwithstanding any provisions of the law to the contrary, a person may operate a snow traveling vehicle on a public highway that is not maintained for winter use by conventional motor vehicles.

V. When travel by conventional motor vehicles is not possible during a period of emergency declared by the appropriate authority having jurisdiction, an OHRV may be operated on any portion of an interstate highway, toll road, limited access highway, public highway or any other restricted area, provided that the operator of said vehicle has received the specific authority of an officer authorized to enforce the provisions of this chapter to so operate.

VI. No person shall operate an OHRV upon or across a

public way if his right to do so has been suspended or revoked by the director of motor vehicles.

Amend RSA 269-C:26, VII, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

VII. Any person operating an OHRV shall yield the right of way to any person on foot, skis, snowshoes or other mode of travel on foot; providing, however, that persons traveling on foot do not unreasonably obstruct or delay OHRVs on the trail.

VIII. No person shall operate an OHRV within fifty feet of any occupied dwelling except for purposes of ingress or egress from same. Any city or town may alter the distance specified in this paragraph by municipal by-law or ordinance.

IX. The operation of an OHRV is limited to a height of four thousand feet above sea level, except where there are existing roads and trails as designated by the bureau of OHRV.

X. No person shall operate an OHRV in any manner so as to harass animals pursuant to the provisions of the definition "of take or taking" in RSA 207:1.

XI. The provisions of this section do not prohibit or limit the prosecution of a snow traveling or OHRV operator for violating any of the paragraphs referred to in this section.

Amend RSA 269-C:28 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

269-C:28 State Parks and Forests. All lands under the jurisdiction of the department of resources and economic development so far as possible and consistent with their primary functions, shall be made available for use by OHRVs subject to the fees, rules, and regulations as established by the directors of the division of parks and the division of resources with the approval of the commissioner of resources and economic development.

Amend RSA 269-C:29, I, as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

I. Except as provided in RSA 269-C:7, the commissioner is authorized to adopt and amend such rules, regulations and ad-

ministrative procedures which are consistent with the provisions of this chapter that he deems necessary or advisable to carry out the intent and purposes of this chapter with regard to:

- (a) Safety equipment,
- (b) Registrations,
- (c) The safety of operators, passengers and other persons,  
and
- (d) The protection of property.

Further amend section 1 of the bill by striking out RSA 269-C:12 and RSA 269-C:13, and renumbering RSA 269-C:14 through 30, to read RSA 269-C: 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 27, and 28 respectively.

Amend RSA 212:34 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

212:34 Duty of Care.

I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, water sports, winter sports or OHRVs as defined in RSA 269-C, hiking, or sightseeing, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, hike, use OHRVs as defined in RSA 269-C, or sightsee upon such premises, or use said premises for water sports, or winter sports does not thereby;

(a) Extend any assurance that the premises are safe for such purpose, or

(b) Constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or

(c) Assumes responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

III. This section does not limit the liability which otherwise exists;

(a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or

(b) For injury suffered in any case where permission to hunt, fish, trap, camp, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 269-C, or sightsee was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or

(c) The injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, use for water sports, winter sports or use of OHRVs as defined in RSA 269-C, or sightsee was granted to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

Amend section 6 of the bill by striking out same and inserting in place thereof the following:

6 Effective Date. Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15, 23, 24, I, II, III, VI, VII, VIII, IX, X, 26, 27 and 28 of RSA 269-C as inserted by section 1 of this act shall take effect July 1, 1973. Sections 14, 16, 17, 18, 19, 20, 21, 22, 24, IV and V, and 25 of RSA 269-C as inserted by section 1 of this act shall take effect September 1, 1973. Sections 2, 3, 4 and 5 of this act shall take effect July 1, 1973.

At the request of Rep. Brungot, Rep. Hamel explained the amendment.

(discussion)

Rep. Hamel yielded to Rep. French to answer questions.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

Amendment adopted.

Referred to Appropriations.

## HB 202

outlining procedures for search and rescue operations.



Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

This bill puts the Fish and Game Department and the Aeronautics Commission in charge of search and rescue operations within the state. The bill further provides a charge against the state of \$50,000 per year, non-lapsing funds.

### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

outlining procedures and providing for search and rescue operations and making an appropriation therefor.

Amend RSA 206-A:3 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

206-A:3 Cooperation. All state departments shall assist the fish and game department or the aeronautics commission in carrying out search or rescue operations when so requested by the fish and game department or the aeronautics commission. The fish and game department and the aeronautics commission shall also consult with county, city and town officials to coordinate their participation and cooperation in search and rescue operations.

Further amend the bill by striking out all after section 1 of the bill and inserting in place thereof the following:

2 Advisory Committee Established. A search and rescue advisory committee consisting of fifteen members who are familiar with problems and other incidents relating to search and rescue missions is hereby established to consult on search and rescue activities, to oversee and monitor such activities, and to continue study of possible assessment of search and rescue costs, insurance, certification and related problems. The members shall be appointed by the governor with the advice and consent of the council to two year terms. Vacancies among the members shall be filled for the unexpired term. No compensation shall be paid to the members for their services. The committee shall submit a report and any drafts of proposed legislation by January fifteenth of each odd numbered year.

3 Appropriation. The sum of fifty thousand dollars is appropriated for the fiscal year ending June 30, 1974 and the sum of fifty thousand dollars is appropriated for the fiscal year ending June 30, 1975 to the department of fish and game to coordinate search and rescue activities as directed by RSA 206-a, as inserted by section 1 of this act. The funds hereby appropriated shall be expended as the director of the department of fish and game shall determine on personal services and related expenses, equipment, supplies, maintenance, training programs and other services incidental to search and rescue operations. The funds hereby appropriated shall be continuing and shall not lapse. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Repeal. RSA 206:26, XII (supp) as inserted by 1971, 139:1 relative to search and rescue operations in woodlands and inland waters is hereby repealed.

5 Effective Date. This act shall take effect July 1, 1973.

Amendment adopted.

Referred to Appropriations.

The Speaker called for the Special Order.

## **HB 225**

relative to permitting a registered nurse in nursing homes to authorize attendants to administer oral medications under supervision. Inexpedient to legislate. Rep. Elizabeth E. Goff for Public Health and Welfare.

Passage of this bill would be legalizing and subscribing to lower standards of care and safety for patients in nursing homes than for that in hospitals.

At the request of Rep. Ferguson, Rep. Donalda K. Howard answered questions.

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Cecelia L. Winn, James W. Murray and Donalda K. Howard spoke against the motion.

Rep. Horan moved that HB 225 be recommitted to the committee on Public Health and Welfare with the proviso that an advisory interpretation be solicited from the Attorney General.

Rep. Roma A. Spaulding spoke against the motion.

Question being on recommitting HB 225 to committee.

Motion lost.

Question being on substituting, ought to pass, for committee report, inexpedient to legislate.

Motion lost.

Question being on the resolution as offered by the committee.

Resolution adopted.

#### **HB 242**

relative to five percent interest on tenant's security deposit. Ought to pass with amendment. Rep. Craig D. Smith for Labor, Human Resources and Rehabilitation.

The amendment sets the interest rate at five percent per annum.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 540 the following new chapter:

##### **Chapter 540-A**

##### **Actions Concerning Landlords and Tenants**

##### **540-A:1 Security Deposit.**

I. Any lessor or landlord who shall accept a security deposit from a lessee or tenant shall hold said sum as debtor, subject to the payment of interest at the rate of not less than five percent per annum for the period of time which aforesaid security deposit has been held.

II. Sums held by a lessor or landlord shall, at the termination of the lease or tenancy, be paid to the lessee or tenant, his

heirs or assigns, subject to such reasonable deductions for unpaid rent or actual damage done to the leasehold or freehold during tenancy.

III. Damage assessed shall be evaluated and deducted at the lessor's or landlord's replacement cost, less actual depreciation, usual and reasonable wear and tear, not otherwise recovered or recoverable by insurance in force by the lessor or landlord.

IV. A landlord or lessor of premises to be occupied for personal habitation by a tenant or lessee and his family, if any, or the heirs or assigns of such tenant or lessee, shall have a week in which to assess any damages done to the leased or rented premises. Said landlord or lessor shall tender to the tenant, lessee, his heirs or assigns, the deposit plus any interest due under this chapter on deposits held for six months or more, less any proper and lawful deductions for damage done to the premises pursuant to RSA 540-A:1, III.

V. The provisions of this section:

(a) Shall apply only to any lessor or landlord of premises leased or let for the purpose of individual or family habitation by a lessee or tenant and/or their families;

(b) May not be waived or contracted away in any manner whatsoever;

(c) Shall not affect the rights of any parties already in a lessor-lessee or landlord-tenant relationship, upon the effective date of this chapter.

VI. As a civil remedy, whoever fails to comply with any of the applicable provisions of this section, shall be liable to the lessee, tenant, or their heirs or assigns, for a sum equal to twice the applicable security deposit and accrued interest pursuant to RSA 540-A:1, I.

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. Brungot spoke against the bill.

Amendment adopted.

Rep. Craig D. Smith explained the bill.

A division was requested.

It being manifestly in the affirmative, HB 242 was ordered to third reading.

**HB 178**

relative to the amount of fees to be collected by the register of deeds for Rockingham county. Lay on the table. Rep. Cox for Municipal and County Government.

To be laid on the table as the material in the bill is contained in HB 233, which was reported "ought to pass with amendment" on February 13.

Resolution adopted.

**HB 203**

relative to optional election of planning board members in towns. Inexpedient to legislate. Rep. Sununu for Municipal and County Government.

The committee felt that a broader based and more technically qualified planning board would be obtained by appointment than by election.

Rep. Richard L. Bradley moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Hanson spoke against the motion.

(discussion)

Reps. Russell C. Chase, Estabrook, Harvell, Pryor, Sayer and Rice spoke in favor of the motion.

Reps. G. Winthrop Brown, Nighswander, Benton and Claflin spoke against the motion.

A division was requested.

145 having voted in the affirmative and 110 in the negative.

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A quorum was requested.

The Speaker ruled a quorum was present.

A quorum was taken.

283 members having answered the count two-thirds of the House were present but some did not vote.



The previous vote was challenged and a new vote requested.

162 members having voted in the affirmative and 136 in the negative.

Motion adopted.

Ordered to third reading.

### RECONSIDERATION

Rep. Senter moved reconsideration on HB 229, allowing chiropractors to participate in medical service corporations, and spoke in favor of the motion.

(discussion)

Reps. Chris K. Andersen, Bednar, Pierce and Metcalf spoke against the motion.

Reps. Lambert and Cate moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Boisse requested a quorum count.

226 members having answered the count, a quorum was declared present.

Reconsideration lost.

### RECESS

### AFTER RECESS

#### HB 280

relative to state registration certificates for airmen. Ought to pass with amendment. Rep. Hamel for Transportation.

Defines "commercial aircraft operator" and inserts it in the RSA where required. Amendment corrects two additional paragraphs.

### AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Prohibitions. Amend RSA 422:34, IX, as amended, by striking out said paragraph and inserting in place thereof the following:

IX. For any person, firm, partnership, or corporation to operate or engage in operations as a commercial aircraft operator as defined in RSA 422:24 without a commercial aircraft operator's certificate issued by the aeronautics commission.

3 Fees. Amend RSA 422:37, XI, as amended, by striking out said paragraph and inserting in place thereof the following:

XI. For each commercial aircraft operator certificate, ten dollars.

4 Effective Date. This act shall take effect April 1, 1973.

Amendment adopted.

Ordered to third reading.

## **HB 172**

relative to the filing of requests for drafting with the office of legislative services. Inexpedient to legislate. Rep. Gemmill for Legislative Administration.

While the committee is concerned about the increasing number of bills being introduced and about the rising costs of producing and printing each bill, it does not believe that a financial charge for each bill introduced is the solution to the problem.

Rep. Daniel J. Healy moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and yielded to Rep. Raymond.

Rep. Raymond spoke on the bill.

(discussion)

Rep. Gorman spoke on the bill.

Rep. Duprey spoke against the motion.

Rep. Healy withdrew his motion.

Rep. Hanson moved that Rep. Raymond's remarks be printed in the Journal.

Adopted.

Resolution adopted.

(Rep. Raymond's remarks)

I rise to speak on HB 172 and the matter of House Bills each day that are delivered to the Sergeant-at-Arms. 1300 packets of HBs, Resolutions, CACR's, indexes, etc — from the printer — one each of each new bill — to meet the needs of the General Court.

400 go to seat pockets or committees

75 to the Senate

195 to outside subscribers

125 to state departments, offices, etc.

16 to the press.

That accounts for 810 sets. Some Representatives ask for additional sets.

15 or 20 are picked up, 1 a day, some 2, 3 or 4 sets, even as many as 7 sets every day to go to stores, markets, etc.

That leaves less than 300 copies of a bill for hearing use, mail requests, libraries, etc.

How much does this cost? — for just printing alone — for a single page bill \$16.80.

The average bill of the first 140 bills was just over 3 pages. The cost \$33.60 each bill.

So you see that on one day — Jan. 10 — there were 20 bills — \$672 for just 1 day for printing alone.

Add the average cost of filing and drafting, for just 20 bills, average bills that figure, that total reaches \$4860 for 1 day.

Would you not agree — these copies are valuable?

Hopefully this House in its wisdom will carefully consider this situation.

To develop the picture of this cost further.

In the last session there were entered, filed, drafted and handled over 1400-1461.

The conservative estimate for this biennium was 1730.

Include HJR's, CACR's, SJR's, Resolutions, etc. — and

this total probably will go over 2000. It already has gone over 1600 and I estimate there will be over 400 more — a staggering figure — for a house that meets less than 90 days.

But the stunning figure is not the numbers — but the DOLLARS.

Do you know, or can you guess how much this cost may total for just the 1730?

Just for filing — drafting and printing — 1730 bills?

The current estimate is \$419,595, \$420,00 in round figures.

That averages out to initial cost of \$242 for each average bill.

It can reach as much as 4800 for printing alone on a large bill like the Criminal Code issue plus — several times that amount for drafting.

How many of these 1700 or so go through — pass —?

In 1971-72 less than 4 out of 10 became RSA's — or laws —

To that cost — add printing of amendments — journals — further drafting, re-hearings, research and printing of the yearly added RSA's —

No sound estimate has been made of other costs — House — senate, staff, state officers, state offices, Hearings — etc.

Now back to the 60% that went down the chute — 60% — 1000 bills plus — at \$243 apiece —

\$243,000 dollars down the hole —

Should we ask ourselves — How many of that 1000 were unneeded to begin with —

How many were sponsored by people who never appeared to speak for them — To explain *why* — they spent our taxpayers' dollars for these.

How many citizens, department people, state officers, University officials had to sit, and wait, some for hours, to testify on a bill that was doomed before it was ever printed —

An exercise in futility because it was not sound, because some one had not talked it over or had not done the homework it needed —

Perhaps the most difficult figure to arrive at — if you could would be the cost of that unworthy bill to *you* and your committee hearing it.

You people, all with bills to follow or present, have to waste your priceless time for nought —

Just consider the load of just one committee — in 1971 that committee *Heard* 197 Bills — including one with 87 sections, another with 40 plus sections —

This meant several hundred total executive sessions in addition to hearings.

Would you not agree, that some decided effort must be made, to consider more carefully each proposed bill — before we file, before we draft, before we burden our fellow representatives with this enforced waste of their time — life and our peoples' dollars?

The Constitution clearly states we are to file bills — no one questions the duty or these responsibilities —

But does that mean that some of us *HAVE* to file 40 or 50 bills apiece — so many that we could not even make the first hearing? If that total reaches 100 for one representative the cost of filing, drafting, printing alone will reach \$25,000 — and to follow through — if the average prevails — and 60 go down the drain — there goes some \$15,000 — What a waste.

I am sorry that HB 172 would appear to be unconstitutional.

But would you not agree, that this Honorable House in its wisdom *could* if it so chooses — and should give careful thought to this situation?

And so endeth the sermon for today.

#### COMMITTEE REPORTS (CONTINUED)

##### HB 270

relative to county elections and vacancies of county offices. Ought to pass. Rep. Bednar for Municipal and County Government.

Makes uniform the procedure for recounts, in that all recounts will now be processed by the Secretary of State.

Ordered to third reading.



## VACATE

Rep. Benton moved that the House vacate the reference of HB 434, relative to referendum voting by absentee ballot in biennial elections, to the committee on Municipal and County Government and re-refer said bill to the committee on Statutory Revision.

Adopted.

On motion of Rep. Chandler the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third readings of bills be by title only, and resolutions by caption only, and that when the House adjourns today, it be to meet tomorrow at 11:00 a.m.

## LATE SESSION

Third reading and final passage

SJR 2, providing a supplemental appropriation for school building aid.

HB 289, providing that banks which give mortgages on real property may not levy a service charge against the seller of the property.

HB 228, relative to requirements for renewal of chiropractor's license.

HB 142, relative to zoning law procedure.

HB 242, relative to five percent interest on tenant's security deposit.

HB 203, relative to optional election of planning board members in towns.

HB 280, relative to state registration certificates for airmen.

HB 270, relative to county elections and vacancies of county offices.

## RECONSIDERATIONS

Rep. Raymond moved Reconsideration on SJR 2, providing a supplemental appropriation for school building aid, and spoke against the motion.

Motion lost.

Rep. Lawton moved Reconsideration on HB 289, providing that banks which give mortgages on real property may not levy a service charge against the seller of the property and spoke against the motion.

Motion lost.

Rep. T. Anne Webster moved Reconsideration of HB 203, relative to optional election of planning board members in towns, and spoke against the motion.

Motion lost.

Rep. Ruel moved Reconsideration on HB 238, prohibiting the operation of snow-covered automobiles on highways, and spoke for the motion.

Rep. Hamel spoke against reconsideration.

Motion lost.

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Rep. Arthur F. Mann moved that HB 239 be made a Special Order for tomorrow.

Adopted.

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On motion of Rep. Haller, the House adjourned at 3:42 p.m. in honor of Sumner Raymond's 63rd birthday.

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*Thursday, 22Feb73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain The Rt. Rev. Philip Alan Smith, Bishop Coadjutor, the Episcopal Diocese of New Hampshire.

On this the actual anniversary of George Washington's birth I would like to open today's session with two prayers, the first of which is from the Book of Common Prayer and is one that George Washington regularly desired to hear read on his behalf in his time as president.

Let us pray:

O Lord our heavenly Father, the high and mighty Ruler of the Universe, who dost from Thy throne behold all the dwellers upon earth: most heartily we beseech Thee with Thy favor to behold and bless Thy servant the President of the United States and all others in authority; and so replenish them with the grace of Thy Holy Spirit that they may always incline to Thy will and walk in Thy way. Endue them plenteously with Thy heavenly gifts; grant them in health and prosperity long to live; and finally after this life to attain everlasting joy and felicity through Jesus Christ our Lord. Amen.

Then O Lord, bestow upon these Thy servants the legislators of New Hampshire a keen awareness of the needs of all the people of this State, a deep desire to fulfill those needs, and a patient wisdom to hammer out legislation appropriate to the needs, that thereby Thy reign of love and justice may be here manifested through Jesus Christ our Lord. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Parr gave a short summary of section 6 of the Flag Code.

Rep. Parr led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Ackerson, the day, illness.

Reps. Nardi, Alukonis and Close, the day, important business.

#### SENATE MESSAGES

#### NONCONCURRENCE

HB 113, relative to taking fresh water smelt by bait dealers.

#### CONCURRENCE

HB 44, to abolish the water commission in the town of Meredith and transfer its functions to the selectmen.

HB 45, relative to secretary of state transferring reports of state agencies to state library.

HB 65, establishing a fee for duplicate copies of photographic licenses.

HB 158, legalizing the vote authorizing the issuance of certain bonds by the town of Hanover.

HB 185, relative to the charter of the town of Hanover.

HB 35, relative to the distribution of court reports to various officers and bodies.

HB 125, relative to propagating or possessing for sale wild turkeys.

HB 90, relative to removing the limit on horned pout.

### ENROLLED BILLS REPORT

SJR 2, providing a supplemental appropriation for school building aid.

Katherine J. Harriman  
*For The Committee*

### NOTICE OF RECONSIDERATION

Rep. Rich served notice that today or some subsequent day he would ask reconsideration of the House action in passing HB 242, relative to five percent interest on tenant's security deposit.

### EXTENSIONS

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 209, providing for compensation to landowners for managing game birds and animals on their land.

Granted.

Rep. Hanson moved that the committee on Municipal and County Government be granted a six-day extension on HB 207, providing annual salaries for members of the county convention; membership of state senators; abolishing legislative mileage; and providing for regular mileage paid state employees.

Granted.

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 215, to require an instruction to the jury in a workmen's compensation case if an insurance carrier has a lien on any damages awarded.

Granted.

## VACATE

Rep. Greene moved that the House vacate the reference of HB 389, increasing certain penalties for forest fire violations to the committee on Statutory Revision and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

## COMMITTEE REPORTS

Ellen M. Cressy Petition. Recommend that the committee report be adopted. Rep. Bigelow for Elections.

The committee on elections to which was referred the protest of Ellen M. Cressy relative to the election of members of the house from Rockingham District No. 11 having considered the same reports the same with the following resolution.

Resolved that the protest was not sustained by the evidence submitted. The committee feels that the duly elected officials henceforth supervise their functions more closely.

Be it therefore resolved, that the protest brought before this committee by Mrs. Ellen M. Cressy be denied.

Rep. Coutermarsh spoke against the committee report.

Rep. Bigelow explained the committee report.

Rep. Hamel spoke in defense of the town of Seabrook.

Adopted.

**HB 180**

providing for the appointment of a superintendent of the house of correction and jail of Merrimack county. Inexpedient to legislate. Rep. Kopperl for Merrimack County Delegation.

Committee feels creation of a new position is unwarranted at this time.

Resolution adopted.

**HB 338**

authorizing cities and towns to make payment of relocation assistance. Ought to pass with amendment. Rep. Hanson for Municipal and County Government.

This bill provides the authority for political subdivisions



of the state to make "relocation assistance payments"; previously only agencies of the state government could make such payments.

#### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Payment of Relocation Assistance by Political Subdivisions of the State. Amend RSA 124:10 (supp) as inserted by 1972, 51:1 by striking out said section and inserting in place thereof the following:

124:10 Authorizing Payment of Relocation Assistance.

I. If any department, agency or instrumentality of the state or of a political subdivision of the state acquires any real property through condemnation proceedings brought under the power of eminent domain or in any other manner and the use of federal funds is involved and to qualify for such funds the provisions of the federal "Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970," as amended must be complied with, the department, agency or instrumentality is authorized and empowered to make payments for such reasonable costs in relocation assistance as is required by said federal act.

II. Such powers for compliance shall be deemed to have been possessed by any department, agency or instrumentality of the state or a political subdivision of the state as of July 1, 1972 solely to the extent necessary to be eligible for federal funds under said "Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970."

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

#### HB 346

appropriating additional funds for the New Hampshire State Port Authority. Inexpedient to legislate. Rep. Arthur F. Mann for Public Works.

Withdrawn by sponsors due to pending legislation in the proposed capital budget.

Resolution adopted.

**HB 73**

providing for better control over subdivision development of land in New Hampshire. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Prevents hardship from initiating expensive clearing and construction on land which may not be approved as subdivision, with resulting confusion.

**AMENDMENT**

Amend the bill by striking out section 1 of the same and inserting in place thereof the following:

1 Approval of Subdivision Plan Before Disturbing the Environment. Amend RSA 149-E:3 by inserting after paragraph VIII the following new paragraph:

IX. No person required to submit subdivision plans pursuant to RSA 149-E:3, I, shall commence the construction of roads within the lot, tract, or parcel proposed to be subdivided, by clearing the land thereof of natural vegetation, placing any artificial fill thereon, or doing any other act or acts which will alter the natural state of the land or environment, unless the subdivision plan relating thereto, has been submitted and approved in accordance with the requirements of this chapter. Nothing in this paragraph shall be construed to prevent the taking of test borings, the digging of test pits, or any other preliminary testing and inspection necessary to comply with the requirements of the water supply and pollution control commission relative to information necessary for review and approval of the subdivision plans.

Amendment adopted.

Ordered to third reading.

**HB 198**

relative to camp fires or outdoor cooking and providing for written permission of same. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Committee felt that the problem is local in nature.

Resolution adopted.

**HB 296**

requiring accident and health insurers and all medical and

hospital service corporations to pay claims in spite of payment by another company, Ought to pass with amendment. Rep. Burns for Banks and Insurance.

Would permit payments on accident and health policies by more than one company when an individual had more than one policy. Medical and hospital service corporations including Blue Cross and Blue Shield would be exempt.

#### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Accident and Health Insurance. Amend RSA 415:6, (B) (4) and the unnumbered subparagraph in parenthesis that follows it by striking out said subparagraphs and inserting in place thereof the following:

(4) A provision in all non-group policies as follows: Insurance with Other Insurers: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or an expense incurred basis, payment shall not be prorated or reduced. In such a case, the insured shall be entitled to payment from both insurers.

2 Other Accident and Health Insurers. Amend RSA 415:6, (B) (5) and the unnumbered subparagraph in parenthesis that follows it by striking out said subparagraphs and inserting in place thereof the following:

(5) A provision in all non-group policies as follows: Insurance with Other Insurers. If there be other valid coverage, not with this insurer, providing benefits for the same loss on other than an expense incurred basis, payment shall not be prorated or reduced. In such a case, the insured shall be entitled to payment from both insurers.

3 Health Service Corporations. Amend RSA 419:5 by inserting after paragraph (9) the following new paragraph:

(10) A provision in all non-group policies that payment for a service covered by said contract shall not be reduced or prorated because the subscriber shall also be insured under an insurance policy for said service.

4 Medical Service Corporations. Amend RSA 420:5 by inserting after paragraph (9) the following new paragraph:

(10) A statement in all non-group policies that payment for a service covered by said contract shall not be reduced or prorated because the subscriber shall also be insured under an insurance policy for said service.

5 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

The Speaker called for the special order on HB 239.

### HB 239

to permit beer sales for consumption off the premises on Sunday by grocery stores during regular hours. Inexpedient to legislate. Rep. Barka for Liquor Laws.

This bill would allow beer to be sold Sunday morning while church services were being conducted.

Rep. Collishaw explained the committee report.

(discussion)

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Rock spoke in favor of the motion.

Rep. Enright moved that HB 239 be indefinitely postponed and spoke in favor of the motion.

Rep. Nelson spoke against the motion.

Reps. Coutermarsh, Altman and Chris K. Andersen spoke in favor of the motion.

Rep. Dupont moved the previous question on all pending motions.

Sufficiently seconded.

Adopted.

Question being on the motion that HB 239 be indefinitely postponed.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the affirmative the motion was adopted.

SENATE MESSAGE  
CONCURRENCE ON HB WITH  
SENATE AMENDMENT

**HB 169**

relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

AMENDMENT

Amend RSA 33:8-a as inserted by section 1 of the bill by striking out the title of same and inserting in place thereof the following:

33:8-a Procedure for Authorizing Bonds or Notes in Excess of One Hundred Thousand Dollars.

Amend RSA 33:8-a, I, as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

1. There shall be at least one public hearing concerning any proposed municipal bond or note issue in excess of one hundred thousand dollars held before the governing board of any municipality. Said hearing shall be held at least fifteen days, but not more than thirty days prior to the meeting, or adjourned session thereof, at which the bond or note issue is to be voted upon. Notice of the time, place and subject of such hearing shall be published in a newspaper of general circulation in the municipality at least seven days before it is held. Whenever possible the governing board shall determine the form of the warrant article after the public hearing.

Amend the bill by striking out section 3 of same and inserting in place thereof the following:

3 Effective Date. RSA 33:8-a, I and II as inserted by section 1 of the bill shall take effect March 7, 1973. RSA 33:8-a, III as inserted by section 1 of the bill and section 2 of the bill shall take effect upon its passage.

The clerk read the amendment in full.



Rep. Hanson moved that the House concur in the Senate amendment and spoke in favor of the motion.

(discussion)

House concurred.

## COMMITTEE REPORTS CONTINUED

### HB 28

requiring the sale of soft drinks and alcoholic malt beverages in returnable containers. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Legislation to follow.

Rep. Joseph L. Cote moved that HB 28 be made a special order for Thursday, March 1st.

Rep. Greene spoke in favor of the motion.

Adopted.

## RECONSIDERATION

Rep. Rich moved Reconsideration of HB 242, relative to five percent interest on tenant's security deposit, and spoke in favor of the motion.

Rep. Merrill spoke in favor of the motion.

Adopted.

Rep. Rich moved that HB 242 be placed on second reading and open to amendment.

Adopted.

Rep. Rich offered the following amendment.

## AMENDMENT

Amend RSA 540-A:1, II as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

II. Sums held by a lessor or landlord shall, at the termination of the lease or tenancy, be paid to the lessee or tenant, his heirs or assigns, subject to such reasonable deductions for unpaid rent or actual damage done to the leasehold or freehold

during tenancy, including costs of cleanup to restore the premises to habitable conditions.

The clerk read the amendment in full.

(discussion)

Rep. Merrill spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

### ENROLLED BILLS REPORT

HB 158, legalizing the vote authorizing the issuance of certain bonds by the town of Hanover.

HB 185, relative to the charter of the town of Hanover.

Mabel L. Richardson

*For The Committee*

### RESOLUTIONS

Reps. Lawton and Vachon offered the following: Approved by the Resolutions Committee.

### HOUSE CONCURRENT RESOLUTION NO. 10

*Whereas*, President Richard M. Nixon, by his untiring endeavors and resoluteness of spirit, has guided an end to the Vietnam War, and

*Whereas*, the settlement provisions have brought peace with honor, among its stipulations the release of all American prisoners of war throughout Indo-China and the fullest possible accounting of those missing in action, and

*Whereas*, it is the prayer of all New Hampshire citizens that the end of the war will herald a new birth of American spirit, unified in purpose

*Now therefore be it resolved*, by the New Hampshire House of Representatives, the Honorable Senate concurring: That the New Hampshire Legislature extend its commendation to President Richard M. Nixon for his successful effort in bringing the Vietnam War to an end, and

*Be it further resolved*, that a copy of this resolution be forwarded to President Richard M. Nixon by the Secretary of State.

The clerk read the resolution in full.

Rep. Daniell spoke against the resolution.

Reps. Lawton and Vachon spoke in favor of the resolution.

(discussion)

Resolution adopted.

Reps. Chambers, Copenhaver, Dudley, Hildreth, William J. Stevens, Bergeron, Splaine, Gerry F. Parker, Roderick H. O'Connor, Cushman, Anthony Stevens and Woodruff wish to be recorded as opposed to HCR 10.

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On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourn today, it adjourn in honor of Registered Engineers' Week, to meet Tuesday next at 11:00 a.m.

### LATE SESSION

#### Third reading and final passage

HB 338, authorizing cities and towns to make payment of relocation assistance.

HB 73, providing for better control over subdivision development of land in New Hampshire.

HB 296, requiring accident and health insurers and all medical and hospital service corporations to pay claims in spite of payment by another company.

HB 242, relative to five percent interest on tenant's security deposit.

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On motion of Rep. Roma A. Spaulding, the House adjourned at 12:54 p.m.

*Tuesday, 27Feb73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord**, our God, who chose to share Your power with men; this is Your day,

make me know it — all day!

noisy or quiet,

long or short,

rough or smooth,

whatever is in this day,

help me remember that You are in it too.

Amen.

PLEDGE OF ALLEGIANCE

Rep. Drew led the Pledge of Allegiance.

LEAVES OF ABSENCE

Reps. Cotton, T. Anne Webster and Grady, the day, illness.

Rep. Maynard, the week, illness.

Reps. P. Robert Thibeault, Bergeron and Randall, indefinite, illness.

Reps. Elizabeth E. Goff, Merrill and French, the day, important business.

Rep. Ladd, today and tomorrow, death in family.

Reps. Tarr and Geiger, the week, important business.

RESOLUTION

Rep. Lynch offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 448 through 462 and House Joint Resolutions numbered 22 through 24 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HBs &amp; HJR

First, second reading &amp; referral

HB 448, relative to administrative functions of certain regulatory boards, and making an appropriation therefor. (Hamel of Rockingham Dist. 11 — To Executive Departments and Administration.)

HB 449, relative to the establishment of reserve funds. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 450, establishing an exemption from the taxation of legacies and successions. (Hamel of Rockingham Dist. 11 — To Ways and Means.)

HB 451, providing additional retirement allowances for certain retired teachers and making an appropriation therefor. (Bell of Grafton Dist. 11 — To Appropriations.)

HB 452, authorizing courts to suspend the license to operate a motor vehicle for failure to answer a motor vehicle summons. (Kidder of Merrimack Dist. 1 — To Judiciary.)

HB 453, providing full pay to state employees during a total disability resulting from a work-connected accidental injury not to exceed one year. (McDonough of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 454, authorizing courts to suspend the license to operate a motor vehicle of a person convicted of larceny with the aid of a motor vehicle. (Kidder of Merrimack Dist. 1 — To Judiciary.)

HB 455, establishing a committee to study and report on the goals, purposes, organization and financing of the state university system, and making an appropriation therefor. (Raymond of Cheshire Dist. 12; Read of Rockingham Dist. 4 — To Education.)

HB 456, relative to definition of actuary under the New Hampshire retirement system. (Noble of Merrimack Dist. 21 — To Executive Departments and Administration.)

HB 457, relative to the distribution and disposition of resident taxes. (Noble of Merrimack Dist. 21 — To Ways and Means.)



HB 458, relative to the authority of the state treasurer with respect to certain accounts. (Noble of Merrimack Dist. 21 — To Executive Departments and Administration.)

HB 459, to prohibit any municipal government pensioner working for the same municipality and being paid both a pension and salary. (Boisvert of Hillsborough Dist. 22 — To Municipal and County Government.)

HB 460, requiring mandatory introduction in evidence of defendant's drivers record in all cases of driving while intoxicated, reckless driving and after revocation or suspension of license; and making an appropriation therefor. (Mattice of Merrimack Dist. 10; Hamel of Rockingham Dist. 11 — To Transportation.)

HB 461, relative to referenda on specific urban renewal projects. (Pryor of Coos Dist. 7 — To Statutory Revision.)

HB 462, relative to a mandatory referendum on any municipal housing project. (Pryor of Coos Dist. 7 — To Statutory Revision.)

HJR 22, in favor of the North Conway fire department for rescue operations. (Cox of Carroll Dist. 2; Davis of Carroll Dist. 2; Duprey of Carroll Dist. 2 — To Claims, Military and Veterans Affairs.)

HJR 23, making a deficiency appropriation for fiscal 1972 and an additional appropriation for fiscal 1973 for the New Hampshire retirement system. (Noble of Merrimack Dist. 21 — To Appropriations.)

HJR 24, relative to work credit in the policemen's retirement system for Willis S. Low. (Skinner of Rockingham Dist. 3 — To Executive Departments and Administration.)

#### NOTICE OF RECONSIDERATION

Rep. Gerry F. Parker served notice that today or some subsequent day he would ask reconsideration of HCR 10, relative to commending President Richard M. Nixon for his successful effort in bringing the Vietnam War to an end.

#### SENATE MESSAGES

##### CONCURRENCE

CACR 11, Relating To: Voting Age. Providing That: Eighteen Year Olds May Vote.

HB 130, relative to the rules of the road.

HB 201, changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge.

HB 190, relative to the petition for proportionate refund of an operator's license fee.

HB 105, relative to setting traps for the taking of fur-bearing animals.

HB 249, relative to the power of Castle Junior College to grant a degree.

### INTRODUCTION OF CACR & SJR

First, second reading and referral

CACR 21, Relating to: the origination of revenue-raising bills. Providing That: either the house or the senate may originate revenue-raising bills. Constitutional Revision.

SJR 1, establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences relative to pollution of land, water, and air; the economic, social and educational problems associated with this growth; and making an appropriation therefor. Resources, Recreation and Development.

### EXTENSIONS

Rep. Bigelow moved that the committee on Banks and Insurance be granted a six-day extension on HB 244, relative to the maximum allowable annual interest rate on loans and consumer credit sales.

Granted.

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 14, establishing a maximum thirty day residency requirement for voting.

Granted.

Reps. Collishaw and Claffin moved that the joint committees on Liquor Laws and Resources, Recreation and Development be granted a six-day extension on HB 281, relative to the sale of liquor at non-state owned ski areas.

Granted.

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 285, relative to the taking of deer and the open season for deer.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 222, requiring druggist to post a list of prescription drug prices.

Granted.

### ENROLLED BILLS REPORT

HB 35, relative to the distribution of court reports to various officers and bodies.

HB 44, to abolish the water commission in the town of Meredith and transfer its functions to the selectmen.

HB 45, relative to secretary of state transferring reports of state agencies to state library.

HB 65, establishing a fee for duplicate copies of photographic licenses.

HB 105, relative to setting traps for the taking of fur-bearing animals.

HB 125, relative to propagating or possessing for sale wild turkeys.

HB 130, relative to the rules of the road.

HB 169, relative to certain procedures for issuing bonds or notes in excess of one hundred thousand dollars.

HB 190, relative to the petition for proportionate refund of an operator's license fee.

HB 201, changing the name of the Ash Street Bridge in the town of Londonderry to the Robert J. Prowse Memorial Bridge.

HB 249, relative to the power of Castle Junior College to grant a degree.

Maurice W. Read  
*For The Committee*

## HOUSE RESOLUTION NO. 11

Reps. Bigelow and George B. Roberts, Jr. offered the following:

Opposing National No-Fault Insurance Legislation

*Whereas*, Congress authorized the Department of Transportation to undertake an Automobile Insurance and Compensation Study and appropriated \$2,000,000 for such study; and

*Whereas*, the Department of Transportation has recommended to Congress that the regulation of insurance should continue with the states and that the states should evolve a rational, equitable and compatible reparation system for motor vehicle accident victims and the private insurance system; and

*Whereas*, the states of Massachusetts, Delaware, Oregon, Minnesota, South Dakota and Florida did enact prior to 1972 some type of automobile reparation reform and in 1972 the states of Connecticut, New Jersey, Maryland and Virginia have been added to the list; and

*Whereas*, the National Governors Conference is on record in 1972 as opposed to enactment of the National No-Fault Motor Vehicle Insurance Act as recently considered by the Senate of the United States and in favor of continued and increased state efforts to enact appropriate no-fault legislation; and

*Whereas*, the National Conference of Commissioners on Uniform State Laws has recently adopted a uniform approach which, although not free from controversy on important elements, is nevertheless a legislative package which can serve as a guide for meaningful state legislation;

*Now, therefore, be it resolved*, that the House of Representatives, the Senate concurring does hereby record its opposition to federal legislation in any form regarding the auto reparation system because such legislation could preclude meaningful and wide ranging experimentation at the state level, destroying desirable flexibility, freezing mistakes, and preventing self-determination; and

*Be it further resolved*, that the legislative leaders in several states are urged to initiate immediately appropriate automobile reparation reform, providing prompt, fair compensation to automobile accident victims, keeping costs at a reasonable level,

and allocating cost equitable so the accident-free driver does not subsidize the accident prone driver.

The clerk read the resolution in full.

Referred to Resolutions Committee.

## COMMITTEE REPORTS

### HJR 20

transferring certain accumulated income to the principal of the special teacher competence fund. Ought to pass. Rep. Drake for Appropriations.

In 1969, the principal of the old fund was transferred, but the legislature neglected to transfer the accumulated interest which now amounts to \$4,008.40.

Ordered to third reading.

### HB 250

requiring that no more favorable loan terms be granted by banks to officers thereof than to others. Ought to pass. Rep. Carter for Banks and Insurance.

Conforms with National Bank Regulations.

Ordered to third reading.

### HB 302

prohibiting the varying of rates for motor vehicle liability insurance based solely on age groups. Inexpedient to legislate Rep. Ralph W. Wilson for Banks and Insurance.

No evidence presented to committee that this was needed at this time.

Resolution adopted.

### HB 314

relative to accident and health insurance issued under franchise plan. Ought to pass. Rep. Ackerson for Banks and Insurance.

Permits greater participation of small business in franchised health and accident insurance plans.

Ordered to third reading.



**HB 290**

to repeal RSA 187:30 relative to the suspension of limitation on nonresidents of the state to be enrolled students at the state university. Inexpedient to legislate. Rep. Chambers for Education.

Since no evidence that any qualified New Hampshire student who has made timely application has been denied admission to U.N.H.; and since testimony presented clearly indicated New Hampshire students are always given first preference over out-of-state students the committee voted unanimously, of those voting and present, this bill be reported inexpedient to legislate.

Resolution adopted.

**HB 301**

permitting a member of a school board to be a teacher in his own school district. Inexpedient to legislate. Rep. T. Anne Webster for Education.

The committee does not feel that permitting a member of the school board to be a teacher in his own school district is good legislation.

At the request of Rep. Horan, Rep. Lockhart answered questions.

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Lockhart explained the committee report.

Reps. Twigg and Campbell spoke against the motion.

Motion lost.

Resolution adopted.

**HB 145**

providing for a special hunting license to take certain stocked game birds. Inexpedient to legislate. Rep. Polak for Fish and Game.

This bill would set a precedent of having additional revenue on pheasant hunting.

Resolution adopted.

**HB 173**

providing for decedents' estates reimbursing the county for medical referees' expenses when services are utilized in accidental or violent deaths. Inexpedient to legislate. Rep. Brungot for Judiciary.

Costs of medical referee excessive in Rockingham county. This bill would not solve the problem.

Resolution adopted.

**HB 243**

requiring restoration when public property is defaced. Inexpedient to legislate. Rep. David T. Sullivan for Judiciary.

Adequate legislation adopted in 1969 and no evidence was brought before the committee which indicated that this legislation was inadequate. Would make penalty mandatory.

Rep. Soule moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. McManus explained the committee report.

(discussion)

Reps. George J. Thibeault and Metcalf spoke in favor of the motion.

A division was requested.

108 members having voted in the affirmative and 153 in the negative, the motion lost.

Resolution adopted.

**HB 246**

relative to reimbursement of certain towns for district court sessions held within such towns. Ought to pass. Rep. Nutting for Judiciary.

Increases from \$4 to \$8 per case the amount allowed to stay in the town to defray the costs of its circuit court.

Ordered to third reading.

**HB 184**

relative to the definition of "beverage", as used in title XIII.

Majority: Inexpedient to legislate; Rep. Twigg for Liquor Laws. Minority: Ought to pass with amendment. (Reps. Conway, Erickson, Barka and Mason.)

The chairman of the state Liquor Commission testified that passage of HB 184 would result in a net loss of 2.2 million dollars in state revenue. Proponents of the bill failed to provide income projections to be derived from wine sales in grocery stores.

Rep. Erickson moved that the words, ought to pass with amendment, be substituted for the committee report, and spoke in favor of the motion.

(discussion)

Rep. Twigg explained the committee report.

Reps. Nelson and Splaine spoke in favor of the motion.

Reps. Coutermarsh, Joseph L. Cote and Cecelia L. Winn spoke against the motion.

Rep. Stevenson moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Rep. Joseph L. Cote moved that HB 184 be indefinitely postponed.

Adopted.

## **HB 208**

relative to classification of highways, highway aid apportionment and highway regulation. Ought to pass. Rep. Ellis for Public Works.

This bill relates to the classification of highways, highway aid apportionment, and highway regulation.

Referred to Appropriations.

## **HB 279**

to reclassify a certain section of highway in the town of

Auburn. Inexpedient to legislate. Rep. Daniels for Public Works.

Bill withdrawn by sponsor.

Resolution adopted.

### HJR 5

making an appropriation for the purchase and installation of an electronic roll call system for the house of representatives. Ought to pass with amendment. Rep. Ellis for Public Works.

This bill creates a special committee on an electronic roll call system for the House of Representatives and makes an appropriation for the purchase and installation of such a system.

### AMENDMENT

Amend the title of the resolution by striking out same and inserting in place thereof the following:

creating a special committee on an electronic roll call system for the house of representatives and making an appropriation for the purchase and installation thereof.

### Joint Resolution

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That a special legislative committee is hereby established to work with the public works division of the department of public works and highways to consider the various proposals submitted to such division and to decide which system best satisfies the requirements of the legislature. Membership of the committee shall consist of the speaker of the house, the majority and minority leaders of the house, the chairman of house public works committee and the chairman of the house appropriations committee. Each member may appoint designees, not exceeding two in number, to serve in his place. The committee shall work with the public works division to choose the system within the appropriation allocated and to provide for installation and approval before January 1, 1975; and

That the sum of two hundred twenty thousand dollars is hereby appropriated for the purchase and installation of an

electronic roll call system in the hall of the house of representatives, state house, Concord, New Hampshire. The appropriation made hereunder shall be a continuing appropriation and shall not lapse. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

### **SCR 3**

memorializing the Congress of the United States to enact legislation which will grant the Social Security increase without having any welfare assistance or veteran's pension reduced. Ought to pass. Rep. Milne for Resolutions.

Adopted.

### **HB 241**

establishing a supplemental salary in lieu of fees for the Rockingham county register of probate. Inexpedient to legislate. Rep. Cummings for Rockingham County Delegation.

Subject matter to be covered by future legislation.

Resolution adopted.

### **HB 252**

to provide staggered six year terms for Rockingham county commissioner. Inexpedient to legislate. Rep. Cummings for Rockingham County Delegation.

Too long a term, a future bill will call for four year term.

Resolution adopted.

### **HB 332**

authorizing the Assistant Superintendent of the New Hampshire Hospital to reimburse employees for stolen or destroyed personal effects. Inexpedient to legislate. Rep. Maguire for State Institutions.

This bill covers only one institution. Not a major problem. Would put the state or its institutions in the insurance business.

Resolution adopted.



**HB 268**

relative to the registration fees for snow traveling vehicles.  
Inexpedient to legislate. Rep. Hamel for Transportation.

Covered by HB 10.

Resolution adopted.

**UNANIMOUS CONSENT**

Rep. Winkley addressed the House by unanimous consent.

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On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and resolutions by caption only, and that when the House adjourns today, it be to meet tomorrow at 11:00 a.m.

**LATE SESSION**

Third reading and final passage

HJR 20, transferring certain accumulated income to the principal of the special teacher competence fund.

HB 250, requiring that no more favorable loan terms be granted by banks to officers thereof than to others.

HB 314, relative to accident and health insurance issued under franchise plan.

HB 246, relative to reimbursement of certain towns for district court sessions held within such towns.

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On motion of Rep. Gagnon, the House adjourned at 12:56 p.m.

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*Wednesday, 28Feb73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O, our God, we can form most serious resolutions of amend-

ment in our temper and conduct, but these resolutions we shall be unable to perform without the aid of Thy spirit. Give us grace, O God, that we may be guarded against pride, covetousness, malice and every vicious feeling; that we may observe the laws of equity and truth in all our dealings; that we possess the religion of Jesus Christ in all its purity. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Fortier led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Akerman, Southwick and Grady, the day, illness.

Reps. Tuttle, Nelson and Langdell, the day, important business.

### RESOLUTION

Rep. Joseph M. Eaton offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 463 through 467 and Concurrent Resolutions Proposing Constitutional Amendments numbered 24 and 25 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & CACRs

First, second reading & referral

HB 463, establishing a sire stakes program and a standard-bred breeders and owners development agency. (Huot of Belknap Dist. 6; Tirrell of Strafford Dist. 4 — To Environment and Agriculture.)

HB 464, relative to off-sale permits. (Cote of Hillsborough Dist. 28 — To Liquor Laws.)

HB 465, providing for workmen's compensation dependency payments. (McDonough of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 466, to abolish the business profits tax, abolish the business profits tax division, impose a tax on inventory, and impose a machinery tax. (Cote of Hillsborough Dist. 28 — To Ways and Means.)

HB 467, denying benefits to persons receiving aid to families with dependent children who have more than one automobile, or one television or one telephone. (Chandler of Merrimack Dist. 3 — To Executive Departments and Administration.)

CACR 24, Relating to: Adoption of Constitutional Amendments by Three-fifths of Voters. Providing that: Proposed constitutional amendments may be approved by three-fifths of the voters present and voting on the subject. (O'Connor of Strafford Dist. 15 — To Constitutional Revision.)

CACR 25, Relating to: Compensation of Members of the General Court. Providing that: The Compensation of Members of the General Court and the Presiding Officers of Both Houses Shall be Increased Respectively to Two Thousand and Two Thousand Five Hundred Dollars per Biennium. (Erickson of Hillsborough Dist. 24 — To Constitutional Revision.)

#### ENROLLED BILLS AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

##### An Act

HB 90, repealing the limit on horned pout

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Repeal. RSA 211:16-a, as inserted by 1955, 102:1, 2, relative to the limit on taking horned pout, is hereby repealed.

The clerk read the amendment in full.

Amendment adopted.

#### SENATE MESSAGES

##### CONCURRENCE

HB 258, relative to the debt limit of the Londonderry school district.

HB 88, relative to the time of taking office by school district officers elected at town meetings.

#### ADOPTION ENROLLED BILLS AMENDMENT

HB 90, relative to removing the limit on horned pout.

#### ENROLLED BILLS REPORT

CACR 11, Relating To: Voting Age. Proposing That: Eighteen Year Olds May Vote.

HB 88, relative to the election of officers of cooperative school districts at town meeting and the time of taking office.

HB 258, relative to the debt limit of the Londonderry school district.

Mabel L. Richardson  
*For The Committee*

#### COMMUNICATION

February 16, 1973

Dear Friends:

It was heartwarming to receive the tribute to my husband from the members of the Senate and House of Representatives of the State of New Hampshire and comforting to know you are sharing my loss.

Please convey my deep appreciation to all who joined in your generous expression of sympathy and friendship.

Lady Bird Johnson

#### EXTENSION

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 74, relative to regulation of the practice of pharmacy.

Granted.

#### COMMITTEE REPORTS

##### HCR 3

memorializing the Congress of the United States to enact

legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war. Ought to pass. Rep Hood for Claims, Military and Veterans Affairs.

The committee feels that benefits should be received by veterans who served prior to August 5, 1964 in Vietnam.

Ordered to third reading.

#### CACR 20

relating to composition of the General Court. Providing that the membership of the house of representatives shall be reduced to two hundred and forty. Inexpedient to legislate. Rep. Harvell for Constitutional Revision.

This resolution has merit, but is considered inexpedient at this time since resolutions affecting the Legislature would be better considered by the 1974 Constitutional Convention.

Rep. Patrick moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion and subsequently withdrew his motion.

Rep. David T. Sullivan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Joseph M. Eaton spoke against the motion.

Rep. Horan spoke in favor of the motion.

#### POINT OF ORDER

Rep. George B. Roberts, Jr. rose on a point of order.

#### COMMITTEE REPORTS CONTINUED

(discussion)

Reps. Boisvert, Brungot, Lawton and Vachon spoke against the motion.

Rep. Enright moved the previous question.

Sufficiently seconded.

Adopted.



Motion to substitute ought to pass, lost.

Resolution adopted.

**HB 255**

providing for mandatory employment in each school district of a learning disability teacher. Ought to pass with amendment. Rep. Rock for Education.

This bill as amended would encourage districts to begin this worthwhile program and, under the amended version, would allow districts to make application for Title I funds. Said funds would not be available if this legislation were mandatory instead of permissive.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

permitting the employment in a school district  
of a learning disability teacher.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Learning Disability Teacher. Amend RSA 189 by inserting after section 11 the following new section:

189:11-a Learning Disability Teacher. The school board of each school district may provide the services of a learning disability teacher under such conditions and with such exceptions, as the state board of education may prescribe.

2 Rules and Regulations for Learning Disability Teachers. Amend RSA 186:11 by inserting after paragraph XXXI the following new paragraph:

XXXII. LEARNING DISABILITY TEACHER. Establish the qualifications, conditions and exceptions for providing a learning disability teacher in each school district.

3 Effective Date. This act shall take effect September 1, 1974, provided, however, the state board of education shall prescribe the regulations required under section 1 of this act on or before September 1, 1973.

At the request of Rep. Bednar, Rep. Lyons answered questions.

Amendment adopted.

Ordered to third reading.

**HB 152**

to prohibit the sale of nonalcoholic beverages in nonreturnable metal or plastic containers. Inexpedient to legislate. Rep. Colburn for Environment and Agriculture.

Legislation pending.

Resolution adopted.

**HB 297**

relative to the standardization of reports of state agencies and distribution of state publications. Ought to pass. Rep. Sara M. Townsend for Executive Departments and Administration.

This bill, the result of much hard work by Rep. Benton, standardizes and simplifies the reports of 125 state agencies.

Rep. Benton explained the bill.

Ordered to third reading.

**HB 298**

relative to the officers of the commission on the status of women. Inexpedient to legislate. Rep. Cobleigh for Executive Departments and Administration.

The majority did not like the term "chairperson" even though the proposed bill affected only the commission on the status of women.

Resolution adopted.

**HB 328**

requiring the filing of a bond by the plaintiff to institute a civil action. Inexpedient to legislate. Rep. Underwood for Judiciary.

No apparent need in New Hampshire. Problem of frivolous suits not present.

Rep. Patrick moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

The Clerk read the amendment in full.

Reps. Underwood and Daniel J. Healy spoke against the motion.

Motion lost.

Resolution adopted.

#### HB 304

prohibiting the publication of names of the elderly receiving an exemption from property taxes. Ought to pass. Rep. Cox for Municipal and County Government.

It was felt appropriate that the names of elderly persons receiving the property tax exemption should not be publicized; this would be in line with the policy of not publicizing the names of welfare recipients.

At the request of Rep. George E. Gordon, Rep. Lyons explained the bill.

(discussion)

Rep. George E. Gordon moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Reps. Hanson, George B. Roberts, Jr., and Gerry F. Parker spoke against the motion.

Rep. Estabrook spoke in favor of the motion.

Motion lost.

Ordered to third reading.

Reps. George B. Roberts, Jr. and Conley wished to be recorded as voting in favor of the committee report.

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Rep. Merrill moved that HB 318, imposing a real estate tax on a portion of state owned property, HB 321, relative to taxing certain properties of religious organizations and HB 322, relative to tax exemption for veteran's organizations, be made a special order for Wednesday next, and spoke in favor of the motion.

Rep. Hanson spoke in favor of the motion.

Motion adopted.

**HB 230**

requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election relative to the same. Ought to pass. Rep. Gabriel for Nashua Delegation.

Title of bill is self-explanatory, plus bill is a referendum question.

Ordered to third reading.

**HB 358**

relative to overtime pay for nursing home employees. Ought to pass. Rep. Daniell for Public Health and Welfare.

The bill repeals RSA 279:21, VI. The repeal would allow employees of nursing homes to be entitled to time and one half pay for overtime work.

Ordered to third reading.

**HB 316**

providing for the appropriate flame retardant label by manufacturer on garments. Inexpedient to legislate. Rep. Helen F. Wilson for Public Health and Welfare.

In lieu of federal legislation pending, committee feels this legislation not advisable at this time.

Resolution adopted.

**HB 303**

relative to service fees for emergency treatment by registered nurses. Inexpedient to legislate. Rep. Goodrich for Public Health and Welfare.

Bill would not permit nurses the Good Samaritan concept.

Resolution adopted.

**HB 264**

relative to driveway access to Class I, II and III highways. Inexpedient to legislate. Rep. Arthur F. Mann for Public Works.

The committee felt that the addition of driveway entrances and exits to class I, II and III highways beyond those established by existing law, contributes a traffic hazard. Testi-

mony indicated that most accidents in rural areas are caused at driveway intersections.

Resolution adopted.

#### **HB 165**

relative to granting of licenses for hawkers and peddlers. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

Was recommitted so a further amendment could be prepared. Study indicates this to be impractical. The bill is now returned as previously recommended.

#### **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following new section:

1 Granting of State Hawker and Peddler Licenses. Amend RSA 320:8 (supp), as amended, by striking out in line twenty-one the word "one" and inserting in place thereof the following (five) and by striking out in lines twenty-two, twenty-three and twenty-four the words "will be sufficient to cover its employees or agents, who, however, will have to be individually licensed." and inserting in place thereof the following (shall be required, and the employees or agents of such corporation shall also have to be individually licensed and must individually file a surety bond or deposit in cash a sum of not less than one thousand dollars with the secretary of state.) so that said section as amended shall read as follows:

320:8 State Licenses. Upon compliance with the conditions hereinafter set forth, and upon payment of a fee of ten dollars for the use of the state as a state license fee, the secretary of state may grant special state licenses. Applications for such licenses shall be made upon blanks prepared by the secretary of state requiring such information regarding the applicant's character and qualifications as said secretary shall deem pertinent. No such license shall be issued unless the application is accompanied by a certificate signed by the chief of police of some city in this state stating that the applicant for a license is, to the best of his knowledge and belief, a person of good moral character, and is, or has declared his intention to become, a citizen of the United States. Any person so licensed may do business as a



hawker or peddler in any city or town in this state, without further payments. In addition to the payment of a license fee the applicant shall file a surety bond or deposit in cash a sum of not less than one thousand dollars with the secretary of state which shall be available for payment of any judgment recovered by the vendee or any compromise settlement effective between the vendor and vendee provided such judgment or settlement is on a contract involving an amount in excess of fifty dollars and the proper certificate issued to the secretary of state would constitute an order for payment of such sum. In the event that a corporation should apply for a license under the provisions of this act, the sum of five thousand dollars deposited with the secretary of state in cash or surety bond shall be required, and the employees or agents of such corporation shall also have to be individually licensed and must individually file a surety bond or deposit in cash a sum of not less than one thousand dollars with the secretary of state.

Amendment adopted.

Ordered to third reading.

**HB 223**

prohibiting the assessment of a mileage charge on telephone subscribers. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Present billing method is fair.

Resolution adopted.

**HB 291**

to exempt chiropractors from serving as jurors. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Not necessary as judges have been reasonable in excusing jurors for good cause.

Resolution adopted.

**HB 320**

adopting daylight savings time as the official time of the state of New Hampshire from this time forward. Refer to Committee on Interstate Cooperation. Rep. Russell C. Chase for Statutory Revision.

A change by New Hampshire would pose problems with

adjoining states. The idea appears to be popular but should be done in close cooperation with our neighbors.

Referred to Committee on Interstate Cooperation.

**HB 326**

to permit charities and fraternal organizations to conduct games of chance. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This bill would allow gambling throughout the state.

Resolution adopted.

**HB 349**

relative to census of persons as of April first. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

This proposal would eliminate an expensive mailing to all property owners by adding the necessary questions regarding name and age of residents to the personal property form, thus combining the two.

Ordered to third reading.

**SCR 1**

memorializing Congress relative to changing the holiday dates of Memorial Day and Veterans Day. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Ordered to third reading.

**HB 288**

providing for reimbursement from the traffic safety fund to high school students taking private driver education courses. Inexpedient to legislate. Rep. Hamel for Transportation.

This might weaken the good program now being developed in schools where increased funding has become available during the last year.

Resolution adopted.

**HB 372**

relative to lowering the unrestricted issuance of a driver's permit to age sixteen. Inexpedient to legislate. Rep. Hamel for Transportation.

The current system of requiring driver education for those under 18 has worked well and should not be changed.

At the request of Rep. Horan, Rep. Hamel explained the committee report.

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Hamel spoke against the motion.

(discussion)

Rep. Gerry F. Parker spoke in favor of the motion.

Rep. Richard L. Bradley spoke against the motion.

Motion lost.

Resolution adopted.

(Speaker in the chair)

## JOINT CONVENTION

The Acting Governor, Hon. David L. Nixon, introduced the Honorable Frank R. Kenison, Chief Justice of the Supreme Court.

I have the high honor to introduce to you the Honorable Frank R. Kenison of Conway, Hopkinton, and Concord, New Hampshire, for the purpose of his addressing this body on the subject of the State of the Judicial System and the administration of justice here in our beloved New Hampshire.

The Chief Justice is required by statute, a statute which I am proud to have sponsored, to report on the State of the Judiciary at each session of the legislature.

Mr. Speaker, your leadership in arranging today's program, and your continuing support of the cause of improvements in the administration of New Hampshire justice, as manifested by your dedicated work as a member of the Court Accreditation Commission, are appreciated by all of us. In my own case, I am particularly grateful to you and Deputy Speaker Kimon Zachos, my fellow lawyer and the finest friend man could be blessed with, for the honor of welcoming to the General Court our Chief Justice, who is the speaker, as it were, of all the *other* courts of New Hampshire.

Frank Rowe Kenison was born and brought up in Conway

in Carroll County. In this regard, one of his longtime judicial associates and personal friends once wrote of his beginnings:

"It may be said of Frank R. Kenison that his early Carroll County days instilled in him an abiding love of granite rock and fiddlehead greens."

He received his undergraduate degree from Dartmouth in 1929, and his law degree from Boston University in 1932. He then entered the private practice of law, and was elected Carroll County Solicitor, now called County Attorney, in 1935. He was appointed an Assistant Attorney General in 1937, and Attorney General of New Hampshire in 1940. He served in the latter position, excepting three years as a naval officer during World War II, until 1946, when he was appointed an Associate Justice of the New Hampshire Supreme Court. In 1952, he was elevated to Chief Justice of our Supreme Court, and is now entering his 21st year of unparalleled service in that high office, and 27th year as a member of the Supreme Court.

Among Judge Kenison's many achievements have been his appointment as a member of the board of directors of the National Center for State Courts, his receipt of a citation for distinction from the American Trial Lawyers' Association, and the dedication to him and his decision-writing ability of an entire issue of the Boston University Law Review. To give you an idea of how this man is viewed by some of our nation's leading law teachers and students, let me quote briefly from that publication:

"To those of us who devote our lives to the service of legal education and the improvement of the legal system, Frank R. Kenison by his life, his career, and his support and encouragement stands as a symbol of the fulfillment of our objectives."

Perhaps the best indicator of the measure of a man is the judgment of him by those most closely associated with him. Listen while I quote a member of Judge Kenison's court:

"His New Hampshire colleagues on the court have seen him as a unifying force in conference, a sound adviser in public affairs, and a jovial companion at social occasions."

Finally, Judge Kenison has always accorded to the Legislature an attitude of respect and deference that has given New

Hampshire the benefit of a degree of cooperation between the legislative, executive and judicial branches of government unparalleled in any other state. As evidence of this truth, I give you the words of the Honorable John W. King, former Representative from Manchester, Ward 10, former House Minority Leader, Former Governor, and now an Associate Justice of the New Hampshire Superior Court:

“Chief Justice Frank R. Kenison has publicly and privately evidenced his respect for the legislative branch of our government and its accomplishments, and perhaps this is why the Legislature has consistently reciprocated with a respect for the court that is more personal than institutional. The tone of the judicial-legislative-executive relations in New Hampshire has in great part been molded by Judge Kenison. He has taken a strong position on matters of importance to the judicial branch while disassociating himself from the issues and squabbles and arguments inevitably involved in partisan legislative proposals. Judge Kenison’s sense of justice and fairness have made him the ideal spokesman for the judiciary before the New Hampshire Legislature. His role as judiciary advocate without compromise or lack of dignity has been accomplished with unostentatious success.”

But these are mere matters of record — on the surface, if you will. Underneath it all is a man of basic common sense, great good humor, profound humility — a quality upon which I trespass only to present him to you in full dress — and of compassion, of a deep appreciation for the magnificence as well as the mundaneness of human nature.

I guess there isn’t one of us New Hampshire lawyers who doesn’t take a deep measure of pride in the fact that our highest ideals and standards as members of an honored profession are personified by the leader of our own court, not only in our eyes, but in the eyes of lawyers and judges throughout the country. I hope therefore, my fellow lawmakers, that you will pardon my having tried to convey to you but a small degree of that pride in introducing him to you, as well as the pride I feel in introducing *you* to him.

Ladies and gentlemen, the Chief Justice of the New Hampshire Supreme Court, the Honorable Frank R. Kenison.



The Hon. Frank R. Kenison, Chief Justice of the Supreme Court addressed the Joint Convention.

## THE STATE OF THE JUDICIARY

by FRANK R. KENISON

Chief Justice, New Hampshire Supreme Court

*Mr. Speaker, Mr. President, and Honorable Members of the Senate and House of Representatives:*

On behalf of the Judiciary of this State, it is an honor and a privilege to speak to you today in response to the cordial invitation of the Speaker of the House and the President of the Senate, pursuant to a statute that this General Court passed in 1971. RSA 490-A:3 (c) (Supp.); Laws 1971 ch. 459. You will understand nevertheless that the speaker views this happy occasion with some mild apprehension. Historically, when a member of the Judiciary is hailed before a legislative body it customarily is to face charges of misconduct and possible removal from office. In the central part of ancient Greece they adopted a procedure whereby any legislator who proposed a new law was required to appear with a noose around his neck. If the proposal was rejected the penalty was death and it is said that no laws were introduced for 200 years. If this ancient procedure is resurrected in New Hampshire, it is hoped that you will not make it retroactive and it will become effective only after tomorrow.

In a more serious vein, your invitation constitutes an historic first in this State in the excellent relationship that has existed over the years between the legislative branch and the judicial branch of government. We welcome this opportunity to discuss some aspects of that relationship, with particular reference to recent developments initiated by the Judiciary. On January 31, 1973, the Supreme Court by Rule 25 adopted, with some minor amendments, the American Bar Association's Code of Judicial Conduct which regulates the judicial conduct of all judges in the State, both on and off the bench. This Code was studied and considered by the Court for four months, during which time all members of the bench and bar were given an opportunity to present their views. As an indication that the Court is aware of recent developments in this field it may be noted that New Hampshire is one of four states that have

adopted such a Code of Judicial Conduct. Almost a century ago it was firmly established that the appearance of a fair and impartial trial of litigants was next in importance to a fair and impartial trial itself. "Next to securing a fair and impartial trial for parties, it is important that they should feel that they have had such a trial; and anything that tends to impair their belief in this respect must seriously diminish their confidence and that of the public generally in the ability of the state to provide impartial tribunals for dispensing justice between its subjects." *Beattie v. Hilliard*, 55 N.H. 428, 435-36 (1875). The Judicial Code should be an effective tool to implement this cherished objective in judicial administration.

With your cooperation the New Hampshire Court Accreditation Commission was initiated by members of the bench and bar and authorized by you in 1971. RSA 490:5-a to 5-e (Supp.); Laws 1971 ch. 382. In brief, the Commission prescribes minimum standards for courthouses, courtrooms and other court facilities. The Commission has no punitive powers and is an advisory commission which assists cities, towns and counties in upgrading and improving their courthouses and court facilities. The Commission may rate a court as "accredited-excellent, or accredited-satisfactory or not accredited." It may be noted that former Governor John King was the originator of this Court Accreditation Commission and it is fitting that he was appointed chairman of the Commission, which includes one legislator whom you refer to as Mr. Speaker. The Commission has moved carefully, has rendered substantial assistance to those considering improvement of their court facilities and will be issuing a report later this year of the work that it has accomplished. So far as is known, New Hampshire is the first State in the United States to have such a Court Accreditation Commission authorized and established by legislative act.

The Administrative Committee of District and Municipal Courts, appointed by the Supreme Court, obtained a federal grant to have a recognized authority make a study and analysis of the District and Municipal Courts in New Hampshire. The report was made by the Institute of Judicial Administration of New York University Law School and is highly rated in this field of judicial administration. The report recommends sixteen full-time judges with twelve base locations and court sessions held in other locations as the need requires. The courts

will be State administered with two-thirds of the revenues being allocated to a special fund to pay for basic court expenses and one-third of the balance to be distributed as determined by the legislature. The report recommends a full-time administrator for the courts.

The major objectives of the report are supported in concept and principle. The report is deserving of serious consideration by the legislature. The legislation to accomplish this that was appended to the report was incomplete and needs revision, which I understand is being done at the present time. In recent years there has been increasing criticism of our present system where a large number of small courts are retained and even increased in number because they generate a "profit" to the local municipalities. This is an insubstantial reason for the continuation of the present system.

As a result of the study and recommendations of the Governor's Commission on Court System Improvement in recent years and the cooperation of the Legislature various improvements have been made in the machinery of court administration and the judicial process, and the number of Superior Court Justices is based on population. RSA 491:1 (Supp.); Laws of 1971, 456:7. The Legislature has also provided the initial framework for a unified court system in the State. RSA 490-A (Supp.); Laws 1971 ch. 459.

One of the most important provisions of our State Constitution is found in Pt. 1, Art. 37. *Opinion of the Justices*, 102 N.H. 195, 152 A.2d 878 (1959). That Article reads as follows: "[Art.] 37th. [Separation of Powers.] In the government of this state, the three essential powers thereof, to wit, the legislative, executive, and judicial, ought to be kept as separate from, and independent of, each other, as the nature of a free government will admit, or as is consistent with that chain of connection that binds the whole fabric of the constitution in one indissoluble bond of union and amity." It establishes the legislative, executive, and judicial branches of the government as equal, independent, each having distinct powers and duties which are to be exercised in the interest of the State as a whole. While the three branches are separate from each other the State can function only as a unit when each performs its assigned tasks. It is this doctrine of separation of powers that has prompted the Supreme Court to consistently adhere to the proposition that

we consider only the constitutionality of statutes and do not compete with the Legislature in determining their wisdom, expediency, or desirability. *Opinion of the Justices*, 110 N.H. 359, 266 A.2d 823 (1970). Our respect for the legislative powers is such that we presume that a legislative enactment is regular and constitutional until the contrary is shown.

It is an historical fact that the Judiciary, having neither the power of the sword of the executive nor the power of the purse of the Legislature, is the weakest of the three departments. As early as 1788, Alexander Hamilton, in *The Federalist No. 78* stated the matter as follows: "It proves incontestably that the judiciary is beyond comparison the weakest of the three departments of power; that it can never attack with success either of the other two; and that all possible care is requisite to enable it to defend itself against their attacks." No court in this State, including the Supreme Court, is or should be immune from constructive criticism. No court in this State has attained absolute perfection in the administration of justice and it may be that it never will. But it is important that we have the concern and advice and assistance of laymen and legislators in our attempt to improve the administration of justice from day to day and month to month. Our objective has been well stated by the Chief Justice of the United States, Warren E. Burger, in his State of the Judiciary address, 1972, as follows: "Our constant purpose must be to keep in mind that the duty of lawyers and the function of the judges is to deliver the best quality of justice at the least cost in the shortest time."

It is rare for any public official or department to publicly concede that it has authority which could be taken away if the Legislature or the people believed it wise and desirable. Part 2, Article 74 of our Constitution provides that the court may give advisory opinions in the following language: "[Art.] 74. [Judges to Give Opinions, When.] Each branch of the legislature as well as the governor and council shall have authority to require the opinions of the justices of the supreme court upon important questions of law and upon solemn occasions." From time to time in recent years we have heard criticism of this power and practice which exists in only a few of the states in the United States. The criticism has been that sometimes the questions are submitted for purposes of delay in enacting legislation and that the generality of the questions and the necessary generality of



the advisory opinion is of questionable value in deciding specific constitutional questions. As long as this power to give advisory opinions is in the Constitution the court will continue to follow both its spirit and letter. If the critics of the practice wish to see it abolished we have no objection.

Since 1901 the Legislature has seen fit to place the power of appointment of the Tax Commissioners in the Supreme Court rather than the Executive. This is an authority which the court never sought and does not seek to retain if the Legislature wishes to place the power of appointment elsewhere. This is a position the court has taken consistently for the last seventy-two years because the power of appointment to the Tax Commission is not an inherent judicial function.

The Traffic Safety Commision, under the chairmanship of James R. Bucknam, has made studies in New Hampshire relating to traffic safety and in particular a program designed to keep the operators of motor vehicles under the influence of liquor off the highway. Their recommendations are well reasoned, logical, and appear to be grounded upon common sense. The problem is an acute one which is increasing in intensity and demands some positive legislative remedy such as they have recommended.

While there are no proposals before the Legislature relating to the revision of criminal sentences it is submitted that some machinery of that nature would do much to make criminal sentences in the State more coordinated and uniform. A plan of this nature has existed for several years in Massachusetts and Maryland and other jurisdictions. It is not proposed that there should be appellate review of sentences by the Supreme Court. What is proposed is that three judges of the Superior Court would constitute a commission with the power to review criminal sentences. Under the Massachusetts system such a criminal sentence upon review and revision can be increased or decreased to bring it in line with similar sentences for crimes committed under similar circumstances. Such a commission would not involve a large expense. The fact that this system has worked well in other states would be sufficient reason for the Legislature to at least look into the problem if they believe it has merit and would accomplish a proper public purpose.

It is a pleasure to report to you that the judges of the courts



in this State at all levels, District and Municipal, Probate, Superior and Supreme, have taken an active interest and participated in many programs of continuing judicial education which have been held both within and without the State. These judicial education programs have been work sessions and have enabled the judges to keep abreast of the rapid changes in both State and Federal law. It is encouraging to see judges who are determined to increase their efficiency and education in order that they will be able to deliver justice on the basis of current understandings and developments. Several of the judges in New Hampshire have been active in organizing and teaching at these various judicial seminars and programs.

An encouraging feature to report to you is that all courts at all levels have displayed an acute awareness of the advisability and necessity of keeping their rules of practice and procedure updated and current to meet new and changing situations. The Superior Court completed a general revision of its rules as of April 4, 1972 and made two additional changes in January 1973. The District and Municipal Courts, through its Administrative Committee, have made several revisions in its rules this year. The Supreme Court made some changes and revisions during the last two years. The Probate Courts are seeking a modest appropriation in this session to make necessary changes in the Probate forms, and this is a proposal we support.

The familiar warning of the Spanish poet and philosopher, Santayana, that those who cannot remember the past are condemned to repeat it was a potential danger to the Judiciary in this State prior to 1966. On several occasions between 1813 and 1915 a political party gaining control of the General Court and the governorship addressed out of office on a wholesale basis public officials and judges and replaced them with appointees of their own particular political persuasion. That theoretical threat was eliminated by constitutional amendments in 1966 (N. H. Constitution Pt. 2, Arts. 4, 72-a and 73) providing for an independent Judiciary which were adopted by the people by a substantial majority vote of 144,828 in favor to 26,162 against. A return to the old possibilities is an unlikely step that an enlightened electorate would take in the 1970's or anytime in the 20th century.

The cost to the State for the financial support of the Judiciary is a small drop in the large bucket of the net appro-

priation for the biennium. Thus the cost of the Supreme Court for the fiscal year 1973 is one-quarter of one percent of the net general fund appropriation, while the cost to the State for the whole Judiciary is less than one percent of that appropriation. The courts have never been demanding in presenting their budgets to the Legislature and this session is no exception. However we hope that the Legislature will continue the existing appropriations for staff, whether federally funded or not, which includes the administrative assistant to the Chief Justice of the Superior Court and the secretaries and law clerks which are now provided for the Superior and Supreme Courts. The need will be greater and not less in the future because of the substantial increase in cases in all courts of the State.

This brief bird's-eye view of some of the judicial developments should be sufficient to make some assessment of the State of the Judiciary in New Hampshire. The Judiciary in this State may be fairly described today as alive, well and awake. We are not in a state of crisis. We are aware that new and modern techniques and business practices may have to be applied to assist in overcoming delay, to manage crowded dockets and to strengthen judicial procedures. Courts and police do not cause crime even though they may be convenient targets to blame for it. The courts in this State have been free of scandal. The State has proud tradition in noting that its Chief Justice Charles Doe has been considered one of ten of the most distinguished judges in the United States. We have never been afraid of innovations or of new legal doctrines or the introduction of innovative methods. If, to paraphrase the words of Robert Frost, we have promises to keep and miles to go before we sleep, we will keep the promises and travel the full distance to accomplish it.

In conclusion, we are proud that we are making this report on the Judiciary to a fully independent Legislature that is not controlled or dominated by any group, any lobby, any organization, or any newspaper. We are proud that this report is being made to a Legislature that over the years has been the author of many progressive and several innovative chapters of legislation. We are proud of the substantial contribution made by the Judicial Council to modern legislation and the excellent working relationship it has had and continues to enjoy with both Houses of the General Court. We are proud that you gave

us our day in court in this legislative hall with lasting tradition. Whatever your verdict, we will accept it with respect.

On motion of Sen. Stephen W. Smith, the Joint Convention arose.

Reps Zachos and Vachon moved that the Introduction by Acting Governor David L. Nixon and the remarks of Chief Justice Kenison be printed in the Journal.

Adopted.

## HOUSE

### COMMITTEE REPORTS CONTINUED

#### HJR 9

relative to the rule making power of the National Highway Traffic Safety Administration. Inexpedient to legislate. Rep. Hamel for Transportation.

Scope of this is wider than the jurisdiction of the committee.

Resolution adopted.

### RECONSIDERATION

Rep. Vachon moved Reconsideration of HB 223, prohibiting the assessment of a mileage charge on telephone subscribers.

Motion lost.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that the third reading of bills be by title only and resolutions by caption only, and when the House adjourns, it adjourn to meet at 11:00 a.m. tomorrow.

Adopted.

### LATE SESSION

Third reading and final passage

HCR 3, memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam Conflict in order to give recognition to all who served in the Vietnam theatre of war.

HB 255, permitting the enrollment in a school district of a learning disability teacher.

HB 297, relative to the standardization of reports of state agencies and distribution of state publications.

HB 304, prohibiting the publication of names of the elderly receiving an exemption from property taxes.

HB 230, requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election to the same.

HB 358, relative to overtime pay for nursing home employees.

HB 349, relative to census of persons as of April first.

SCR 1, memorializing Congress relative to changing the holiday dates of Memorial Day and Veterans Day.

HB 165, relative to granting of licenses for hawkers and peddlers.

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On motion of Rep. Barbara C. Thompson, the House adjourned at 1:50 p.m.

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## *Thursday, 1 Mar 73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, may I be directed what to do and what to leave undone and then may I humbly trust that a blessing will be with me in my various engagements. Enable me, O Lord, to feel tenderly and charitably toward all my beloved fellow mortals. Help me to have no soreness or improper feelings toward any. Let me think no evil, bear all things, hope all things, endure all things. Let me walk in all humility and Godly fear before all men and in Thy sight. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Hall led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Conley, the day, illness.

Reps. Slicer and David T. Sullivan, the day, important business.

## RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 468 through 484 and House Joint Resolutions numbered 25 through 28 and Concurrent Resolutions Proposing Constitutional Amendments numbered 26 through 28 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's, HJR's &amp; CACR's

First, second reading & referral

HB 468, relative to excavating, filling, mining and constructing in the waters and wetlands of the state; establishing a wetlands authority and making an appropriation therefor; revising the boat license fees; and repealing the town tax on boats. (Kopperl of Merrimack Dist. 9; Bradley of Grafton Dist. 5; Hamel of Rockingham Dist. 11; Junkins of Rockingham Dist. 13; Mattice of Merrimack Dist. 10; Oleson of Coos Dist. 5; Parnagian of Strafford Dist. 16; Webster of Carroll Dist. 5; Williamson of Sullivan Dist. 9 — To Joint Committee on Resources, Recreation and Development and Transportation.)

HB 469, relative to collective bargaining for State Employees and making an appropriation therefor. (McDonough of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 470, establishing a New Hampshire Housing Commission; and making an appropriation therefor. (Townsend of Sullivan Dist. 1; Gallen of Grafton Dist. 1; Clougherty of



Hillsborough Dist. 8; Nighswander of Belknap Dist. 2 — To Executive Departments and Administration.)

HB 471, increasing the membership of the personnel commission. (McDonough of Hillsborough Dist. 29; Ineson of Strafford Dist. 9 — To Executive Departments and Administration.)

HB 472, authorizing the department of education to contract with school volunteer programs for continued services, and making an appropriation therefor. (Nighswander of Belknap Dist. 2; Rock of Hillsborough Dist. 16; Nardi of Hillsborough Dist. 27 — To Education.)

HB 473, providing that the tenure of the attorney general be coterminous with the term of the governor. (Woods of Rockingham Dist. 22; Hamel of Rockingham Dist. 11 — To Executive Departments and Administration.)

HB 474, increasing the mileage allowance for sheriffs and deputies in Rockingham county. (Cummings of Rockingham Dist. 7; Dame of Rockingham Dist. 20 — To Special Committee on Rockingham Delegation.)

HB 475, relative to fees payable to cities and towns where racing meets are held. (Belair of Rockingham Dist. 5; Stevens of Rockingham Dist. 5 — To Statutory Revision.)

HB 476, relative to registration of professional bondsmen. (Smith of Rockingham Dist. 12 — To Municipal and County Government.)

HB 477, regulating food service establishments. (Nelson of Hillsborough Dist. 9 — To Public Health and Welfare.)

HB 478, permitting the sale of tickets known as lucky seven at beano games sponsored by charitable organizations. (Barka of Rockingham Dist. 4 — To Ways and Means.)

HB 479, relative to the time of installation of town officials. (Warren of Grafton Dist. 8 — To Municipal and County Government.)

HB 480, establishing the position of state archeologist and creating a program for archeological research and making an appropriation therefor. (Woodruff of Hillsborough Dist. 18; Zechel of Hillsborough Dist. 17 — To Executive Departments and Administration.)

HB 481, relative to taking lobster by hand and diving. (Gorman of Rockingham Dist. 4 — To Fish and Game.)

HB 482, relative to town zoning regulations. (Hall of Hillsborough Dist. 12 — To Statutory Revision.)

HB 483, to provide for republishing volume 3-A of Revised Statutes Annotated and making an appropriation therefor. (Bigelow of Merrimack Dist. 3 — To Executive Departments and Administration.)

HB 484, to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. (Bigelow of Merrimack Dist. 3 — To Executive Departments and Administration.)

HJR 25, relative to an appropriation for Murphy House at the Laconia state school and training center. (Zechel of Hillsborough Dist. 17; Spirou of Hillsborough Dist. 27 — To Public Works.)

HJR 26, creating more positions for psychiatric aides at the Philbrook Center, and making an appropriation therefor. (Cote of Hillsborough Dist. 28 — To Executive Departments and Administration.)

HJR 27, providing an appropriation to reimburse Rockingham county for losses sustained due to well contamination. (Collishaw of Rockingham Dist. 13 — To Public Works.)

HJR 28, relative to retirement credit for Floris Henry Lanigan. (Noble of Merrimack Dist. 21 — To Executive Departments and Administration.)

CACR 26, Relating to: Compensation of the Members of the Legislature. Providing that: Each senator and representative receive twenty-five dollars per diem for each day of attendance in addition to compensation for mileage presently provided. (Sweeney of Hillsborough Dist. 34 — To Constitutional Revision.)

CACR 27, Relating to: Amending the State Constitution. Providing that: Voters May Propose Constitutional Amendments by Petition. (Pryor of Coos Dist. 7 — To Constitutional Revision.)

CACR 28, Relating to: The Age and Resident Qualifica-

tions to be Elected Senator. Providing that: To be a State Senator one must be at least Twenty-five Years Old and a Resident of the State for Three Years Immediately prior to being Elected to Office. (Pryor of Coos Dist. 7 — To Statutory Revision.)

### EXTENSIONS

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 282, relative to the examining and training procedures for real estate salesmen and brokers.

Granted.

Rep. Bigelow moved that the committee on Banks and Insurance be granted a six-day extension on HB 80, regulating mass marketing of property-liability insurance.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 148, requiring the furnishing of generic as well as brand names by physicians prescribing drugs.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 150, to prohibit the sale of nonalcoholic beverages in nonreturnable glass containers.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 151, to prohibit the sale of malt beverage in nonreturnable metal, plastic or glass containers.

Granted.

### SUSPENSION OF RULES

Rep. McLane moved that the rules of the House be so far suspended as to allow the granting of an extension for fifteen days to the committee on Executive Departments and Administration on HB 85, establishing the office of comprehensive planning.

Adopted by the necessary two-thirds.

## VACATES

Rep. McLane moved that the House vacate the reference of HB 453, providing full pay to state employees during a total disability resulting from a work-connected accidental injury not to exceed one year, to the committee on Executive Departments and Administration and re-refer said Bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

Rep. McLane moved that the House vacate the reference of HB 467, denying benefits to persons receiving aid to families with dependent children who have more than one automobile, or one television or one telephone, to the committee on Executive Departments and Administration and re-refer said Bill to the committee on Public Health.

Adopted.

Rep. Drake moved that the House vacate the reference of HB 451, providing additional retirement allowances for certain retired teachers and making an appropriations therefor, to the committee on Appropriations and re-refer said Bill to the committee on Executive Departments and Administration.

Adopted.

## HOUSE RESOLUTION NO. 4

Rep. George Gordon offered the following:

Requesting an Advisory Opinion  
From New Hampshire Supreme Court  
On Validity of Seconding Motion for Roll Call.

*Whereas*, Article 24th., part second, of the Constitution of New Hampshire provides that upon any motion made by any one member that shall be "duly seconded,"; and

*Whereas*, the rules of the House of Representatives were changed by rule 17 for the 1971 session to "— and duly seconded by five other members, —" from the previous rule of the house requiring only — "another member" to duly second a motion for the roll call; and

*Whereas*, there has been consideration given in the rules committee to increase the number of "seconds" required; and

*Whereas*, questions have been raised concerning the constitutionality of house rule 17 enacted in 1971 session of the General Court and adopted for the 1973 session of the General Court;

*Now therefore be it resolved*, that the justices of the Supreme Court be respectively requested to give their opinion, upon the following questions of law:

1. Does the Constitution of New Hampshire prohibit the House of Representatives from promulgating a rule which would require more than one seconding motion to constitute a duly seconded?

If the answer to the first question is no;

2. Would there be a limit on the number of seconding motions that may be required under Article 24th, part second?

If the answer to the second question is yes;

3. What would that limit be?

*Be it Further Resolved*, that the Speaker transmit seven copies of this Resolution to the Clerk of the Supreme Court for consideration by said Court.

The clerk read the resolution in full.

Referred to Resolutions Committee.

#### HOUSE RESOLUTION NO. 5

Rep. Savage offered the following:

*Whereas*, James F. Allen has served his community long and faithfully in varied and diversified offices; namely, Town Moderator for more than a decade, Chairman of the Rindge Board of Adjustment, and member of the Board of Trustees of Trust Funds, and

*Whereas*, Mr. Allen also represented the Town of Rindge as a member of the House of Representatives for seven terms, and

*Whereas*, said Mr. Allen, affectionately known to his colleagues in the House as "Pop," has reluctantly relinquished his place in the General Court, therefore be it



*Resolved*, that the House of Representatives regretfully notes the absence in the 1973 Session of the member from Rindge, and be it further

*Resolved*, that the House wishes "Pop" and Hazel serenity and enjoyment as they undertake a second retirement, and be it further

*Resolved*, that a copy of this resolution be forwarded to the Rindge Board of Selectmen for presentation at the 1973 Rindge Town Meeting.

The clerk read the resolution in full.

Referred to the Resolutions Committee.

## SENATE MESSAGE

### CONCURRENCE

HB 46, relative to the mode of hunting deer in the town of Chester.

## SUSPENSION OF RULES

Reps. Zachos and Vachon moved that House Rule 38 be so far suspended so as to extend to Wednesday, March 7, the time for preparing appropriation bills for signature by the sponsor.

Rep. Zachos explained the motion.

Rep. Vachon spoke in favor of the motion.

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### HB 209

providing for compensation to landowners for managing game birds and animals on their land. Inexpedient to legislate. Rep. Patrick for Fish and Game.

This bill is not appropriate at this time due to lack of funds.

Resolution adopted.

### HB 330

to provide a limit on the number of beaver an individual may take during an open season. Ought to pass with amendment. Rep. Tirrell for Fish and Game.

Puts a limit on the number of beaver to be trapped and taken from Coos county.

#### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Bag Limit. Amend RSA 210, as amended, by inserting after section 6 the following new section:

210:6-a Bag Limit. During any single open season no person shall trap or take more than ten beaver in Coos county.

Further amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect July 1, 1973.

Amendment adopted.

Ordered to third reading.

#### HB 269

to allow firemen to collect workmen's compensation if incapacitated by a heart or lung condition. Ought to pass with amendment. Rep. McDonough for Labor, Human Resources and Rehabilitation.

The bill creates a conclusive presumption that heart or lung disease in a firefighter is occupationally related for the purpose of workmen's compensation claims.

#### AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

relative to diseases characteristic of  
the occupation of firefighting.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Provision. Amend RSA 281:2 (supp), as amended, by inserting after paragraph V the new subparagraph:

V-a. Notwithstanding the provisions of the foregoing paragraph, there shall exist a conclusive presumption that heart or lung disease in a firefighter, whether he is a regular, call, volun-

teer or retired member of a fire department, is occupationally related; provided, however, that a call or volunteer firefighter shall have the benefit of this conclusive presumption only if there is on record reasonable medical evidence that he was free of such disease at the beginning of his employment. It shall be the duty of the employer of call or volunteer firefighters to provide the said reasonable medical evidence; if the employer fails to do so, the call or volunteer firefighter shall have the benefit of the conclusive presumption regardless of the absence of the said reasonable medical evidence. Provided further, that a retired firefighter who agrees to submit to any physical examination requested by his city, town, or precinct shall have the benefit of the conclusive presumption only during the period of time of five years from the effective date of his retirement. For the purposes of this paragraph, a call or volunteer firefighter shall mean a firefighter not regularly employed by a fire department of any city, town or precinct in the state, but answering for duty only to alarms of fire, and who has been appointed by the fire department and is a member of the New Hampshire State Firemen's Association.

2 Effective Date. This act shall take effect sixty days after passage, and shall apply retroactively to any firefighter whose claim for benefits under this chapter has not finally been decided by the labor commissioner, or on appeal, by the superior court.

Rep. Daniell moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Rep. Merrill spoke against the motion.

(discussion)

Reps. Martineau, Fisher and George I. Wiggins spoke in favor of the motion.

Reps. Spirou, Huot, Keefe, Nutting and George B. Roberts, Jr. spoke against the motion.

Rep. Stevenson moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Amendment adopted.

Ordered to third reading.

### HB 271

providing that lump sum payments under workmen's compensation shall include reasonable attorney's fees. Ought to pass with amendment. Rep. Gamache for Labor, Human Resources and Rehabilitation.

The bill provides that any lump sum agreements under workmen's compensation shall include an additional amount for reasonable attorney's fees as approved by the court, if the decision of the labor commissioner is appealed to superior or supreme court. It further provides that if the claimant prevails by decision of the labor commissioner he shall be entitled to reasonable counsel fees if his case is appealed to the courts.

### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Fees and Interest. Amend RSA 281:37-a (supp), as inserted by 1969, 187:1, by striking out the section and inserting in place thereof the following:

281:37-a Award of Fees and Interest. In any dispute over the amount of benefits payable under this chapter which is appealed to the superior or supreme courts, the employee, if he has prevailed by decision of the labor commissioner or his authorized representative, pursuant to RSA 281:37, shall be entitled to reasonable counsel fees as approved by the court and interest at the rate of six percent per annum on that portion of any award the payment of which is contested; provided that the interest shall be computed from thirty days after award by the commissioner.

3 Effective Date. This act shall take effect sixty days after its passage, and shall govern all proceedings arising out of injuries sustained on or after its effective date.

Amendment adopted.

Ordered to third reading.

**HB 163**

relative to the compensation to be paid members of the Coos, Rockingham, Merrimack, and Grafton county convention. Ought to pass with amendment. Rep. Randlett for Municipal and County Government.

This is permissive legislation which permits, at the discretion of each delegation, that each member of the delegation would receive \$15.00 per day for attendance at convention meetings, and receive 12 cents per mile for travel to and from such meetings, but not when the house of representatives is meeting. Also covers the executive committee of each delegation with the same salary and mileage rates.

At the request of Rep. Greene, Rep. Hanson answered questions.

(discussion)

Rep. Greene moved that HB 163 be recommitted to committee on Municipal and County Government.

Rep. Cummings spoke in favor of the motion.

Adopted.

**HB 247**

to increase the appropriation for funding of certain improvements on, and the four lane extension of, the Spaulding Turnpike. Ought to pass with amendment. Rep. Fortier for Public Works.

This bill provides for increasing the appropriation to fund certain improvements on and the four lane extension of the Spaulding Turnpike. Refer to Appropriations Committee.

Rep. Tanner moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion and subsequently withdrew his motion.

Rep. Paul McEachern moved that the words, inexpedient to legislate, be substituted for the committee report and spoke in favor of the motion and subsequently withdrew his motion.

Rep. Stevenson requested a division.



Question being on the adoption of the committee amendment.

It being manifestly in the negative, the amendment lost.

Referred to Appropriations.

**HB 237**

providing that the city of Rochester be the location of the proposed Strafford County Administration Building. Inexpedient to legislate. Rep. Ineson for Strafford County Delegation.

Killed unanimously.

Resolution adopted.

**HB 28**

requiring the sale of soft drinks and alcoholic malt beverages in returnable containers. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Legislation to follow.

Rep. Greene explained the committee report.

Rep. Joseph L. Cote moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Burrows moved that HB 28 be indefinitely postponed and spoke in favor of the motion, and subsequently withdrew his motion.

Rep. Spirou moved that HB 28 be laid on the table.

Motion adopted.

**COMMUNICATION**

February 28, 1973

The Honorable Russell F. Merriman  
Federal Co-Chairman  
New England Regional Commission  
55 Court Street  
Boston, Massachusetts

Dear Mr. Merriman:

As the duly elected officers of the New Hampshire General

Court, we are writing to request cancellation of the Grant Agreement between the New England Regional Commission and the New Hampshire legislature.

You will recall that this \$100,000 grant was made to assist in the implementation of certain recommendations contained in the "Study of Legislative Management Reform for the New Hampshire General Court" by Stewart Lamprey.

The Lamprey Report calls for a major and innovative effort to develop a planning and goal setting capability for the New Hampshire legislature — a capability which is indeed needed. The grant agreement with the Commission would have funded the management superstructure to support and direct a host of other reforms which were also recommended in the report.

However, the effectiveness of this improved management capability depended from the beginning upon a constitutional change that would permit our legislature to meet in annual sessions instead of biennially which has previously been the case.

A constitutional amendment to permit annual sessions was on the ballot in November, but failed of passage. As a result, we are now nearly one-third of the way through the only regular legislative session that can be held prior to 1975.

For this reason, we have reached the conclusion that the scope of the project as previously outlined in the grant agreement is too ambitious for a legislature that can meet in regular session only every other year.

In short, we have concluded that although the need for improved management capability remains, implementation of the complete management superstructure recommended by Mr. Lamprey would be difficult to justify prior to public approval of annual sessions.

Instead, we have turned to many of the other excellent recommendations contained in the Lamprey study, and intend to suggest legislative reforms more adapted to our current situation.

These reforms, while vitally important, will bear little resemblance to the original agreement between the legislature and

the commission. It is for this reason that we do not feel it appropriate to utilize the grant from the commission to implement them.

Please be assured that we remain most appreciative of your willingness to assist our General Court. We hope you will understand our conviction that because of constitutional limitations, we cannot in good conscience recommend that the legislature activate the grant agreement.

Sincerely yours,  
James E. O'Neil  
Speaker of the House  
David L. Nixon  
President of the Senate

The clerk read the communication in full.

The Speaker explained the communication.

### HOUSE RESOLUTION NO. 3

Rep. Gerry F. Parker II offered the following:

*Resolved* that the house rules be amended by inserting the following new rule:

The house subcommittee on house resolutions and screening shall hold a public hearing on all house resolutions and house concurrent resolutions with at least two legislative days notice prior to the hearings on said resolutions.

Referred to Rules Committee.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and when the House adjourns, it adjourn to meet Wednesday next at 11:00 a.m.

Adopted.

### LATE SESSION

Third reading and final passage

HB 330, to provide a limit on the number of beaver an individual may take during an open season.

HB 269, relative to diseases characteristic of the occupation of firefighting.

HB 271, providing that lump sum payments under workmen's compensation shall include reasonable attorney's fees.

### RECONSIDERATION

Rep. Skinner moved reconsideration on HB 269, relative to diseases characteristic of the occupation of firefighting, and spoke against the motion.

Motion lost.

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Today is the 41st birthday of Rep. Robert Lawton.

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On motion of Rep. Colburn the House adjourned at 2:15 p.m.

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### *Wednesday, 7Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**Father**, we stand before You, heads bowed, grateful for Your kind mercy which You show to us each new day. Without Your help we can neither live nor work, and our love can only turn to hate. Touch us now with Your call to repent, and welcome us once more as we place our trust in You. Lead us onward through these Lenten days from darkness, sin, and death to the new land of freedom, light, and life which Your Son has won for us. We ask this in the name of Jesus Christ who is our hope, and Your promise to us. Through him may Your name be blessed now and forever. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Newell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Milne, Southwick and Erickson, today and tomorrow, important business.

Rep. Campbell, the day, important business.

## RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 485 through 499 and 501 through 549 and House Joint Resolutions numbered 29 through 40 and Concurrent Resolution Proposing Constitutional Amendment number 29 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's, HJR's &amp; CACR

First, second reading and referral

HB 485, providing for a minimum of eight hours to vote on bond issues. (Read of Rockingham Dist. 4 — To Municipal and County Government.)

HB 486, making kindergartens mandatory. (Goff of Rockingham Dist. 5 — To Education.)

HB 487, providing for merit incentive payments to state employees and funds, and differential compensation for state employees; and making an appropriation therefor. (Woodward of Merrimack Dist. 20; Gelinas of Hillsborough Dist. 31 — To Executive Departments and Administration.)

HB 488, providing incentive aid for kindergarten programs and making an appropriation therefor. (Goff of Rockingham Dist. 5 — To Education.)

HB 489, to make the police standards and training council a permanent state agency and making an appropriation therefor. (Zachos of Hillsborough Dist 25 — To Executive Departments and Administration.)

HB 490, relative to health services in public schools. (Conley of Carroll Dist. 3; Chase of Carroll Dist. 4; Roy of Rockingham Dist. 5 — To Public Health and Welfare.)



HB 491, to create a state district court system, with full time judges, clerks, and other personnel, as a state supported court. (Zachos of Hillsborough Dist. 25; Gallen of Grafton Dist. 1; Stevenson of Grafton Dist. 3; Huot of Belknap Dist. 6; McEachern of Rockingham Dist. 23; Chambers of Grafton Dist. 13; McManus of Strafford Dist. 17 — To Judiciary.)

HB 492, to establish a state liquor store in Winchester and making an appropriation therefor. (Ladd of Cheshire Dist. 3 — To Public Works.)

HB 493, creating the position of executive secretary for the state conservation committee. (Williamson of Sullivan Dist. 9 — To Executive Departments and Administration.)

HB 494, establishing a state agency investigating committee to examine the rules and regulations of state agencies and making an appropriation therefor. (Pryor of Coos Dist. 7 — To Legislative Administration.)

HB 495, relative to payment by the state of the cost of educating children living in foster homes. (Cary of Hillsborough Dist. 2 — To Education.)

HB 496, providing an appropriation for old age assistance. (Johnson of Cheshire Dist. 1; Townsend of Sullivan Dist. 1 — To Labor, Human Resources and Rehabilitation.)

HB 497, providing for the director of public health to regulate the rates charged by ambulance services. (Erler of Rockingham Dist. 8 — To Public Health and Welfare.)

HB 498, relative to the area school contract between the Rochester school district and the Strafford school district. (Harvey of Strafford Dist. 2 — To Education.)

HB 499, increasing sick leave benefits for state employees. (Cote of Hillsborough Dist. 28 — To Executive Departments and Administration.)

HB 501, providing overtime pay for classified state employees and making an appropriation therefor. (McDonough of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 502, lowering to age three the age at which special education for handicapped children shall begin and making an ap-

propriation therefor. (Spirou of Hillsborough Dist. 27; Chambers of Grafton Dist. 13; Dudley of Strafford Dist. 4; Griffin of Rockingham Dist. 19 — To Education.)

HB 503, establishing an administrative procedures act and making an appropriation therefor. (Curran of Grafton Dist. 1; Bradley of Grafton Dist. 5; Merrill of Grafton Dist. 14 — To Executive Departments and Administration.)

HB 504, creating an open space land study commission and making an appropriation therefor. (Heald of Hillsborough Dist. 5 — To Environment and Agriculture.)

HB 505, to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to maintenance and to increase the statutory salary for each of these positions. (Heald of Cheshire Dist. 14 — To Executive Departments and Administration.)

HB 506, providing for the acquisition of certain dams by the water resources board and making an appropriation therefor. (Parker of Merrimack Dist. 4 — To Resources, Recreation and Development.)

HB 507, providing for unemployment compensation dependency payments. (McDonough of Hillsborough Dist. 29; Ineson of Strafford Dist. 9 — To Statutory Revision.)

HB 508, creating centralized land acquisition procedures and establishing a natural heritage conservation fund and making an appropriation therefor. (Williamson of Sullivan Dist. 9 — To Environment and Agriculture.)

HB 509, to increase the salaries of state classified employees and making an appropriation therefor. (Roberts of Belknap Dist. 4; Coutermarsh of Hillsborough Dist. 24 — To Executive Departments and Administration.)

HB 510, providing for off-track wagering on certain dog and horse races within and without the state and creating the off-track wagering agency to administer the same, and making an appropriation therefor. (Sayer of Rockingham Dist. 5 — To Ways and Means.)

HB 511, providing for the planning and design of the proposed state park at Pontook on the Androscoggin River in Dum-

mer. (Kidder of Coos Dist. 5; Oleson of Coos Dist. 5 — To Resources, Recreation and Development.)

HB 512, providing for overtime pay to state employees engaged in snow grooming and farming. (Stevenson of Grafton Dist. 3 — To Executive Departments and Administration.)

HB 513, relative to leave of absence of state legislators during term of general court. (Goff of Rockingham Dist. 5 — To Statutory Revision.)

HB 514, relative to representative school district voting rights in supervisory union matters. (Heald of Hillsborough Dist. 5; Scamman of Rockingham Dist. 15 — To Education.)

HB 515, providing for repeal of gambling offenses. (Horan of Hillsborough Dist. 27 — To Judiciary.)

HB 516, to restrict motorboats exceeding fifty horsepower from operation upon Highland Lake. (Humphrey of Merrimack Dist. 11 — To Resources, Recreation and Development.)

HB 517, relative to the recording of foreclosure deeds. (Close of Cheshire Dist. 15 — To Judiciary.)

HB 518, relative to prompt determination of application for public assistance. (McLane of Merrimack Dist. 16 — To Public Health and Welfare.)

HB 519, relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282. (Hanson of Merrimack Dist. 5 — To Statutory Revision.)

HB 520, to provide for the bonding of state officials and employees; and making an appropriation therefor. (Tarr of Merrimack Dist. 17 — To Executive Departments and Administration.)

HB 521, providing for cost of living additions to the Police-men's Retirement System and making an appropriation therefor. (Tarr of Merrimack Dist. 17 — To Executive Departments and Administration.)

HB 522, increasing the salary of the assistant commissioner of safety and making an appropriation therefor. (Parnagian of Strafford Dist. 16; Pray of Strafford Dist. 18 — To Executive Departments and Administration.)

HB 523, increasing the salary of the director of motor vehicles and making an appropriation therefor. (Parnagian of Strafford Dist. 16; Pray of Strafford Dist. 18 — To Executive Departments and Administration.)

HB 524, to provide beneficiary rights under the New Hampshire Permanent Firemen's Retirement System. (Hildreth of Belknap Dist. 7 — To Executive Departments and Administration.)

HB 525, providing for the limitation of workmen's compensation and other offsets under disability retirements for members of group II under the New Hampshire Retirement System and making an appropriation therefor. (Hildreth of Belknap Dist. 7 — To Executive Departments and Administration.)

HB 526, to establish community winter resource areas and making an appropriation therefor. (Williamson of Sullivan Dist. 9 — To Resources, Recreation and Development.)

HB 527, to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and making an appropriation therefor. (Bigelow of Merrimack Dist. 3 — To Statutory Revision.)

HB 528, making an appropriation for New Hampshire Legal Assistance. (McManus of Strafford Dist. 17; McEachern of Rockingham Dist. 20; Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 529, relative to the office of state geologist and an appropriation therefor. (Tirrell of Strafford Dist. 4 — To Executive Departments and Administration.)

HB 530, relative to exemption from the income tax on dividends and interest income earned on deposits in a New Hampshire credit union. (Plourde of Merrimack Dist. 7 — To Ways and Means.)

HB 531, relative to election of a town board of assessors. (Hall of Hillsborough Dist. 12 — To Municipal and County Government.)

HB 532, providing for uniform language relative to terms of office and how vacancy is filled in regard to personnel of cer-

tain departments, agencies, commissions, compacts, boards and institutions of state government. (Newell of Merrimack Dist. 16 — To Executive Departments and Administration.)

HB 533, to authorize the water resources board to acquire the dam and water rights on Lower Beach Pond in Tuftonboro; and making an appropriation therefor. (Claflin of Carroll Dist. 4 — To Resources, Recreation and Development.)

HB 534, providing for special education for gifted children and making an appropriation therefor. (Spirou of Hillsborough Dist. 27; Chambers of Grafton Dist. 13; Dudley of Strafford Dist. 4; Griffin of Rockingham Dist. 19 — To Education.)

HB 535, providing for increased retirement to members of the New Hampshire Policemen's Retirement System. (Huot of Belknap Dist. 6 — To Executive Departments and Administration.)

HB 536, providing for twenty years retirement for members of group II under the New Hampshire retirement system. (Huot of Belknap Dist. 6 — To Executive Departments and Administration.)

HB 537, relative to an additional interchange on the Eastern New Hampshire Turnpike at North Hampton with Route 101-D and making an appropriation therefor. (Scamman of Rockingham Dist. 15; Simmons of Rockingham Dist. 15; Stevens of Rockingham Dist. 15; Brown of Rockingham Dist. 13; Collishaw of Rockingham Dist. 13; Eastman of Rockingham Dist. 13; Junkins of Rockingham Dist. 13; Page of Rockingham Dist. 13 — To Public Works.)

HB 538, to authorize the water resources board to acquire the dam and water rights on Johnsons Mill Dam in Andover; and making an appropriation therefor. Humphrey of Merrimack Dist. 11 — To Resources, Recreation and Development.)

HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor. (Roberts of Belknap Dist. 4; Huot of Belknap Dist. 6 — To Public Health and Welfare.)

HB 540, providing for a return of certain fines from district court to cities and towns. (Savage of Cheshire Dist. 7 — To Judiciary.)



HB 541, prohibiting the moving of welfare recipients at taxpayer's expense. (Chandler of Merrimack Dist. 3 — To Public Health and Welfare.)

HB 542, relative to foster care services and making an appropriation therefor. (Copenhaver of Grafton Dist. 13; Williamson of Sullivan Dist. 9; Ellis of Rockingham Dist. 16 — To Public Health and Welfare.)

HB 543, providing for the acquisition of certain dams on the Contoocook River by the water resources board. (Forcier of Cheshire Dist. 8 — To Resources, Recreation and Development.)

HB 544, providing that the state assume the full cost of health insurance for all state employees and making an appropriation therefor. (McDonough of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 545, to establish a state sweepstakes, gambling and gaming commission, and making an appropriation therefor. (Sayer of Rockingham Dist. 5; Smith of Rockingham Dist. 12 — To Ways and Means.)

HB 546, to establish a state liquor store in the town of Raymond and making an appropriation therefor. (Erler of Rockingham Dist. 8 — To Public Works.)

HB 547, authorizing housing authorities to recognize unions and enter into collective bargaining contracts with such unions. (McDonough of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 548, revising the day care advisory committee to provide for representation by users of day care facilities. (Sweeney of Hillsborough Dist. 34; Gordon of Merrimack Dist. 7; Thompson of Strafford Dist. 9; Goodrich of Rockingham Dist. 8 — To Statutory Revision.)

HB 549, establishing a New Hampshire housing authority and making an appropriation therefor. (Merrill of Grafton Dist. 14; Belair of Rockingham Dist. 5 — To Executive Departments and Administration.)

HJR 29, appropriating money for bank interest relief of towns and cities required to borrow in anticipation of taxes and

appointing a committee to study the long term aspects of the problem. (Milbank of Cheshire Dist. 10 — To Municipal and County Government.)

HJR 30, relative to the purchase of a fire truck for the city of Concord and making an appropriation therefor. (Noble of Merrimack Dist. 21 — To Special Committee on Concord Delegation.)

HJR 31, making an annual appropriation for the library of the New Hampshire Veterans Home. (Cushman of Merrimack Dist. 9 — To State Institutions.)

HJR 32, establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor. (Nutt of Grafton Dist. 13 — To Executive Departments and Administration.)

HJR 33, to pay town of Dummer for revenue lost due to the taking of Pontook Dam. (Kidder of Coos Dist. 5 — To Claims, Military and Veterans Affairs.)

HJR 34, making an additional appropriation for dual enrollment and child benefit service grants. (Ethier of Hillsborough Dist. 16 — To Education.)

HJR 35, making an appropriation for increased monthly allowances for welfare recipients in nursing homes. (Ferguson of Hillsborough Dist. 11 — To Public Health and Welfare.)

HJR 36, providing for a medical assistant course in Manchester. (Sullivan of Hillsborough Dist. 30 — To Education.)

HJR 37, providing for 1975 World Cup Championship at Cannon Mountain. (Stevenson of Grafton Dist. 3; Tilton of Grafton Dist. 1; Spalding of Hillsborough Dist. 10; Gallen of Grafton Dist. 1 — To Resources, Recreation and Development.)

HJR 38, appropriating supplementary funds for certain retirees from the university of New Hampshire. (Dudley of Strafford Dist. 4; Spirou of Hillsborough Dist. 27 — To Education.)

HJR 39, appropriating funds to the department of personnel to study retirement allowances. (McDonough of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HJR 40, relative to fencing land adjacent to the Jaffrey Reservoir and making an appropriation therefor. (Forcier of Cheshire Dist. 8 — To Resources, Recreation and Development.)

CACR 29, Relating to: The Compensation of the Members of the General Court. Providing that: The compensation paid the members of the general court be increased. (Lawton of Belknap Dist. 1; Allen of Carroll Dist. 5 — To Constitutional Revision) .

### SENATE MESSAGE

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 13, relative to conservation officer Warren Jenkins. Fish and Game.

SB 45, increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal. Judiciary.

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city. Special Committee consisting of the Manchester Delegation.

### COMMITTEE CHANGE

Winn, John T. to Fish and Game.

### VACATES

Rep. Hanson moved that the House vacate the reference of HB 476, relative to registration of professional bondsmen to the committee on Municipal and County Government and re-refer said Bill to the committee on Judiciary.

Adopted.

Rep. Belair moved that the House vacate the reference of HB 475, relative to fees payable to cities and towns where racing meets are held to the committee on Statutory Revision and re-refer said Bill to the committee on Ways and Means.

Adopted.

Rep. Chamberlin moved that the House vacate the reference of SB 13, relative to Conservation Officer Warren Jenkins to the committee on Fish and Game and re-refer said Bill to the committee on Appropriations.

Adopted.

Rep. Benton moved that the House vacate the reference of HB 482, relative to town zoning regulations to the committee on Statutory Revision and re-refer said Bill to the committee on Municipal and County Government.

Adopted.

Rep. Greene moved that the House vacate the reference of HB 420, providing for the establishment of a system of bicycle trails to the committee on Environment and Agriculture and re-refer said Bill to the committee on Public Works.

Adopted.

Rep. Russell C. Chase moved that the House vacate the reference of CACR 28, Relating to: The Age and Resident Qualifications to be Elected Senator. Providing that: To be a State Senator one must be at least Twenty-five Years Old and a Resident of the State for Three Years Immediately prior to being Elected to Office to the committee on Statutory Revision and re-refer said Resolution to the committee on Constitutional Revision.

Adopted.

## COMMITTEE REPORTS

### HJR 14

relative to a supplemental appropriation for the board of nursing education and nurse registration. Ought to pass with amendment. Rep. Drake for Appropriations.

Provides funds needed to finish FY 1973 workload and replace equipment which has ceased operating.

## AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

The following sums are hereby appropriated for the fiscal year ending June 30, 1973 for the board of nursing education

and nurse registration for the following purposes: one thousand four hundred fifty-two dollars for equipment; eight hundred fifty dollars for other than permanent personal services; and two thousand three hundred and forty dollars for current expenses. These sums are in addition to any other sums appropriated for the same purposes. The governor is authorized to draw his warrant for said sums, which shall be a charge against the fund consisting of nurse registration fees provided for in accordance with RSA 326-A:5, III.

Amendment adopted.

Ordered to third reading.

#### **HB 128**

enabling the director of fish and game to enter into co-operative agreements with individuals, partnerships and corporations relative to fishways and other matters. Ought to pass. Rep. Drake for Appropriations.

No funding required by this bill, agreements are subject to budgetary limitations.

Ordered to third reading.

#### **HB 368**

authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor. Ought to pass. Rep. Drake for Appropriations.

Replaces current agreement with the University of Vermont and changes the basis for repayment. Committee feels a need to go forward with the program. \$40,000 in FY 74 and \$80,000 in FY 75.

At the request of Rep. Newell, Rep. Ferguson answered a question.

Ordered to third reading.

#### **HB 95**

requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license. Ought to pass. Rep. Drake for Appropriations.

No appropriation beyond amounts already budgeted.

Ordered to third reading.



**HB 244**

relative to the maximum allowable annual interest rate on loans and consumer credit sales. Inexpedient to legislate. Rep. Tony Smith for Banks and Insurance.

Evidence presented committee did not warrant passage of this bill at the present time.

Resolution adopted.

**HB 300**

increasing the mileage rate for all state employees using privately-owned passenger vehicles, and making an appropriation therefor. Ought to pass with amendment. Rep. Harvey for Executive Departments and Administration.

The amendment gives state employees a flat rate 10c a mile instead of the SEA requested 12c a mile with 1c less after each 6,000 miles.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Mileage Rate. Amend RSA 99-A:1, as inserted by 1955, 257:1, as amended, by striking out said section and inserting in place thereof the following:

99-A:1 State Officials and Employees. State officials and employees required to use their private cars in the conduct of official business for the state shall be reimbursed for mileage at a rate of ten cents per mile.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1974 for the purposes of section 1 of this act, the following sums: One hundred and nine thousand one hundred ninety-seven dollars from general funds, fifty-three thousand one hundred eighty dollars from highway funds, one thousand five hundred dollars from fish and game funds, sixty-six thousand eight hundred sixty dollars from special funds. Like amounts chargeable to the same funds are hereby appropriated for the fiscal year ending June 30, 1975. The sums hereby appropriated and transferred by the comptroller shall be re-

duced by any federal funds recovered. Unless the above amounts are included in the budgets for each department or agency the comptroller is authorized to transfer such funds as are necessary to carry out the provisions of section 1 of this act, as needed. The governor is authorized to draw his warrant for the money hereby appropriated which shall be a charge against the general fund and against each special fund as designated.

At the request of Rep. T. Anne Webster, Rep. McLane answered questions.

Amendment adopted.

Referred to Appropriations.

### **HB 331**

relative to adjustment of salaries of classified state employees based on cost-of-living index, and making an appropriation therefor. Inexpedient to legislate. Rep. Noble for Executive Departments and Administration.

E. D. & A. has an active sub-committee and will give careful consideration to the four state employee salary bills before us, but we did not feel that tying a needed increase to the federal cost-of-living index was the right approach.

Resolution adopted.

### **HB 48**

relative to enforcement of orders of tax commission for abatement of taxes. Ought to pass with amendment. Rep. Nutting for Judiciary.

Gives the towns right of appeal from tax commission orders and details procedures for hearing an appeal.

## **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 By Tax Commission. Amend RSA 76 by striking all of section 16-a and inserting the following new sections: 76:16-a By Tax Commission. If the selectmen neglect or refuse so to abate, any person aggrieved, having complied with the requirements of chapter 74, upon payment of an application fee of ten dollars, may, within six months after notice of such tax,

and not afterwards, apply in writing to the state tax commission which after inquiry and investigation shall hold a hearing if requested as herein provided and shall make such order thereon as justice requires and such order shall be enforceable as provided hereafter.

76:16 (a) (1) Notice. Upon receipt of an application under the foregoing, the tax commission shall give notice in writing to the town or city of the receipt of an application for abatement by mailing such notice to the town or city clerk by certified mail. Such town or city may request in writing a hearing on such application within 30 days after the mailing of such notice and not thereafter. If a hearing is requested by town or city the tax commission shall not less than 30 days prior to the date of its hearing upon such application give notice of the time and place of such hearing to taxpayer and the town or city in writing. Nothing contained herein shall be construed to limit the rights of taxpayers to a hearing before the tax commission.

76:16 (a) (2) Conduct of Hearing. The taxpayer and the town or city shall be entitled to appear by counsel, may present evidence to the tax commission and may call witness. Either party may request that a stenographic record be kept of the conduct of the hearing. Any investigative report filed by the staff of the tax commission shall be made a part of such record.

76:16 (a) (3) Rules of Evidence. In such hearing, the tax commission shall not be bound by the technical rules of evidence.

76:16 (a) (4) Appeal. Either party aggrieved by the decision of the tax commission may, within thirty days after notice in writing of the decision of the tax commission file notice of appeal to the Supreme Court specifying all the grounds upon which such party bases his objections. For the purposes of such appeal the findings of fact by the commission shall be final and any such appeal shall be limited to questions of law. An election by taxpayers to appeal in accordance with this subsection shall be deemed a waiver of any right to petition the Superior Court in accordance with RSA 76:17.

76:16 (a) (5) Enforcement of Order. A copy of an order of abatement ordered by the tax commission, attested as such by the secretary of the tax commission, if no appeal is taken

hereunder or under RSA 76:17, may be filed in the Superior Court for the county or in the Merrimack County Superior Court at the option of the commission and thereafter such order may be enforced as with any final judgment of the Superior Court.

2 Effective Date. This act shall take effect sixty days after its passage.

(discussion)

Amendment adopted.

Ordered to third reading.

#### HB 265

relative to the commitment of children to the industrial school for an offense. Ought to pass. Rep. H. Gwendolyn Jones for Judiciary.

Prevents confinement of minors for offenses which, if committed by an adult, would not be punishable by confinement.

Rep. Daniel J. Healy moved that HB 265 be recommitted to the committee on Judiciary and spoke in favor of the motion.

(discussion)

Reps. Chandler, Underwood and Spirou spoke in favor of the motion.

Adopted.

#### HB 256

relative to outdoor advertising on the interstate federal-aid systems and turnpikes. Ought to pass with amendment. Rep. Ellis for Public Works.

This bill provides for the Commissioner of Public Works and Highways to negotiate for the removal of advertising signs along the state's highways as funds become available.

#### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Compensation for Removal of Advertising Devices.

Amend RSA 249-A:11, VI (supp) as inserted by 1961, 269:1, as amended, by striking out said paragraph and inserting in place thereof the following:

VI. If funds become available, the commissioner of public works and highways is authorized to negotiate the removal of advertising devices prior to the end of the five year period and is authorized to pay just compensation.

2 Eminent Domain. Amend RSA 249-A:11 (supp) as inserted by 1961, 429:1, as amended, by inserting after paragraph VI the following new paragraph:

VII. The provisions of RSA 498-A relative to eminent domain procedures shall not apply to this chapter.

3 Restrictions of Advertising on the Federal-Aid Secondary System. Notwithstanding any other provisions of law to the contrary, the restrictions imposed by 1971, 245:2, are hereby extended until January 30, 1976.

4 Effective Date. This act shall take effect sixty days after its passage.

At the request of Rep. Burns, Rep. Arthur F. Mann explained the bill.

Amendment adopted.

Referred to Appropriations.

#### **HB 351**

relative to posting of electrical transmission lines. Inexpedient to legislate. Rep. Cummings for Public Works.

The committee feels that the National Electric Safety Code and the rules of the New Hampshire Public Utility Commission adequately cover the points of concern in this proposed legislation.

Resolution adopted.

#### **HB 362**

to reclassify a certain highway in the town of Whitefield. Ought to pass. Rep. Victor L. Kidder for Public Works.

This bill merely reclassifies the 1.67 miles of Airport Road in Whitefield from class II to class V.

Ordered to third reading.



**HB 227**

relative to free admission to Bear Brook State Park for residents of Allenstown. Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Committee felt that, as this is the case in no other state park, the precedent of admitting residents free to any state park lying wholly or partly in any New Hampshire community could result in a breakdown of the state park revenue system.

Resolution adopted.

The Speaker called for the Special Orders.

**HB 318**

imposing a real estate tax on a portion of state owned property. Inexpedient to legislate. Rep. Hammond for Municipal and County Government.

The committee felt that while taxation of a part of state owned property would be beneficial to municipalities, it would also result in additional funds being required by the state to pay the property tax in municipalities.

Rep. Cate moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Benton spoke against the motion.

Motion lost.

Resolution adopted.

**HB 321**

relative to taxing certain properties of religious organizations. Inexpedient to legislate. Rep. Savage for Municipal and County Government.

The impact of taxing the facilities of religious organizations would have far-reaching deleterious effects in many sensitive areas; the widespread benefits provided by religious organizations appear to far outweigh the benefits to be obtained by taxation of their facilities.

Rep. Cate moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

The clerk read the amendment in full.

Rep. Cate spoke in favor of the motion.

Rep. Hanson spoke against the motion.

Motion lost.

Resolution adopted.

#### **HB 322**

relative to tax exemption for veterans organizations. Inexpedient to legislate. Rep. Burke for Municipal and County Government.

The imposition of a partial tax on property of veterans organizations could have the deleterious effect of curtailing the valuable contributions made by veterans organizations in the field of youth development and assistance to the elderly and handicapped.

Rep. Cate moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Chandler, Oleson, Richard L. Bradley and Chris K. Andersen spoke in favor of the motion.

(discussion)

Reps. Hanson, Vachon, Whipple and Coutermarsh spoke against the motion.

Rep. Chandler spoke a second time in favor of the motion.

Motion lost.

Resolution adopted.

#### **RECONSIDERATION**

Rep. Vachon moved reconsideration on HB 322.

Motion lost.

#### **RESOLUTIONS**

Rep. Slicer offered the following:

*Whereas*, we have learned with sorrow of the death of Alf Halvorson, former Representative from Hinsdale, and

*Whereas*, Alf Halvorson served his community faithfully and with honor, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Alf Halvorson, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Adopted by a rising vote and a minute of silent prayer.

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Wednesday, March 14th will be Consent Calendar Day.

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The Speaker announced that Rep. Desilets' mother is ninety-one today.

#### CONGRATULATIONS TO REP. BIGELOW ON THE ANNIVERSARY OF HIS BIRTH

The members of the legislative staff of the House of Representatives would like to take this opportunity to congratulate Representative L. Wadlo Bigelow, Jr. on the anniversary of his birth.

We would like it to be known that we appreciate his willingness and guidance to all of us in helping us set up for the 1973 Session of the Legislature. We would like to extend our best wishes to him in all of his future endeavors and pray that they will include many more years of service in the General Court.

We pledge that we will endeavor to support him as he has so ably guided and supported us.

House Staff

#### RECONSIDERATION

Rep. Lamy moved reconsideration on HB 244, relative to the maximum allowable annual interest rate on loans and consumer credit sales.

Motion lost.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon

session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and on motion of Rep. John Meserve, when the House adjourns today, it adjourn to meet tomorrow at 11 a.m. in honor of Fall Mountain High School of Langdon, Lisbon High School and Woodsville High School, the new state basketball champions in Classes I, S, and M.

Adopted.

### LATE SESSION

#### Third reading and final passage

HJR 14, relative to a supplemental appropriation for the board of nursing education and nurse registration.

HB 128, enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters.

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

HB 362, to reclassify a certain highway in the town of Whitefield.

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On motion of Rep. Bigelow, the House adjourned at 1:09 p.m.

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*Thursday, 8Mar73*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord Our God, grant us the peace of mind that comes to those who serve mankind, for this we want to do.

Give us strength to do our work.

Forgive us if, throughout the day, we do not often pray to You, but let our prayer be the work we do. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Murphy led the Pledge of Allegiance.

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The Speaker extended birthday greetings to His Excellency, Governor Meldrim Thomson, Jr.

#### LEAVES OF ABSENCE

Reps. Maynard and Nims, the day, illness.

Reps. Marsh, James E. O'Neil, Sr., Claflin, and Ethier, the day, important business.

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#### RESOLUTIONS

Rep. George B. Roberts, Jr. offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 500, 550 through 557 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 500, relative to collective bargaining rights of public employees of political subdivisions. (Coutermarsh of Hillsborough Dist. 24; Roberts of Belknap Dist. 4; McDonough of Hillsborough Dist. 29; Ineson of Strafford Dist. 9; Cote of Hillsborough Dist. 28 — To Labor, Human Resources and Rehabilitation.

HB 550, providing for capital improvements by providing for construction and operation of state liquor stores and gas stations adjacent to the Eastern New Hampshire Turnpike and



making an appropriation therefor. (Dame of Rockingham Dist. 20; Marsh of Belknap Dist 2 — To Public Works.)

HB 551, providing additional funding for food programs for the elderly in Hillsborough county. (Smith of Hillsborough Dist. 27 — To Public Health and Welfare.)

HB 552, relative to the operation of power boats on Sunset Lake (Places Pond) in Alton. (Roberts of Belknap Dist. 4 — To Resources, Recreation and Development.)

HB 553, relative to erecting town and city signs commemorating incorporation. (Tucker of Sullivan Dist. 4 — To Municipal and County Government.)

HB 554, requiring the university system to accept for admission all applicants from New Hampshire high schools in top fifty percent of their class. (Cote of Hillsborough Dist. 28 — To Education.)

HB 555, establishing an office of consumer advocate; and making an appropriation therefor. (Cote of Hillsborough Dist. 28 — To Executive Departments and Administration.)

HB 556, relative to the Trustees of the New Hampshire Annual Conference of the United Methodist Church. (Zachos of Hillsborough Dist. 25 — To Statutory Revision.)

HB 557, exempting dividends of New Hampshire bank holding companies from the interest and dividend tax. (Milne of Hillsborough Dist. 25 — To Banks and Insurance.)

## SENATE MESSAGES

### INTRODUCTION OF SENATE BILLS

#### First, second reading & referral

SB 35, prohibiting the placing of razor blades or harmful substances in Halloween food or drink. Judiciary.

SB 48, relating to times and places of holding regular terms of probate court in Cheshire County. Judiciary.

SB 57, lowering the age of majority to eighteen. Judiciary.

## CONCURRENCE

HB 103, to provide for the disposition of abandoned aircraft.

HB 104, relative to changing the structure for determining aircraft registration fees.

HB 131, relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish.

HB 200, relative to right of entry upon lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same.

HB 217, relative to removal of junked vehicles along federal-aid highways.

HB 140, relative to additional requisites for approval of subdivisions by planning boards.

HB 56, making certain corrections in statutory references to gambling.

HB 143, relative to the form of fish and game licenses.

## HOUSE RESOLUTION NO. 6

Ways and Means Committee offered the following:

requesting an advisory opinion from the Supreme Court relative to the constitutionality of House Bill 24.

*Whereas*, House Bill 24, an act relative to the taxation of capital gains of the business profits tax, is before the House for consideration, and

*Whereas*, a question has been raised as to whether the existing provisions of the business profits tax, enacted as RSA Chapter 77-A by laws of 1970, 5:1, specifically concerning the manner in which taxable capital gains are computed, namely that the basis for the cost of property on which a capital gain is realized is the same as the basis used for federal income tax purposes and whether therefore such provisions constitute a retrospective law in violation of Part 1, Article 23, of the New Hampshire Constitution.

*Now Therefore be it Resolved* by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answers to the following question:

I. Are the provisions of RSA 77-A for the taxing of capital gains pursuant thereto in violation of Part I, Article 23, of the New Hampshire Constitution?

*Be it Further Resolved*, the Speaker of the House of Representatives transmit seven copies of this resolution to the Justices of the Supreme Court.

The clerk read the resolution in full.

Adopted.

#### HOUSE RESOLUTION NO. 7

Banks and Insurance Committee offered the following:

*Whereas*, there is pending before the House of Representatives House Bill No. 79, An Act to implement a guaranteed protection plan of motor vehicle insurance, and

*Whereas*, House Bill No. 79 would provide that, after its effective date, in any action of tort brought to recover for bodily injury caused by accident and arising out of the operation of a motor vehicle as defined in the bill, no recovery would be allowed of damages for pain and suffering, mental anguish and inconvenience unless the reasonable and necessary medical expenses incurred in treating such injury exceed five hundred dollars (\$500.00); these limitations not to apply in cases of death, permanent disability, permanent serious disfigurement, permanent loss of a body function, or where certain orthopedic fractures are sustained, all as provided in the proposed RSA 407-C:9, and

*Whereas*, House Bill No. 79 would further provide, in the proposed RSA 407-C:10, that the Supreme and Superior Courts may provide that all or any specific types of cases filed in trial courts in which the amount in controversy is three thousand dollars (\$3,000) or less (except those involving title to real estate) shall first be arbitrated by a panel of three members of the bar, and that as a condition to appealing from the arbitration award the appellant shall be required to pay all costs that may have accrued to the time of entry of such appeal, and

*Whereas*, the constitutionality of House Bill No. 79 has been challenged because of the inclusion of said RSA 407-C:9 and 10, and in other regards, now therefore be it

*Resolved*, by the House of Representatives, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

1. Can the legislature constitutionally eliminate recovery of damages for pain and suffering in certain personal injury tort claims arising out of motor vehicle accidents as proposed in RSA 407-C:9 in view of the Fourteenth Amendment to the Constitution of the United States and Articles 14, 20, 35 and 37 of Part I of the Constitution of New Hampshire?

2. If the answer to question No. 1 is in the affirmative, are there any other provisions of House Bill No. 79 which would render the bill unconstitutional if RSA 407-C:9 is retained?

3. If the answer to Question No. 1 is in the negative, would a provision requiring mandatory insurance coverage by operators of motor vehicles in this state cure the defect?

4. Can the Legislature constitutionally authorize arbitration of cases in which the amount in controversy is less than \$3,000, and require pre-payment of costs of the arbitration procedure as a condition of appeal to the courts as proposed in RSA 407-C:10, in view of Articles 14 and 20 of Part I of the Constitution of New Hampshire?

5. Would the enactment of House Bill No. 79 violate any constitutional provisions imposed upon the state by either the Constitution of the United States or by the Constitution of New Hampshire?

*Be It Further Resolved* that the Speaker transmit seven copies each of this resolution, of House Bill No. 79, and of the analysis of the bill, to the Clerk of the Supreme Court for consideration by said court.

The clerk read the resolution in full.

Adopted.

## RESOLUTIONS

Rep. Bushey offered the following:

*Whereas*, we have learned with sorrow of the death of Ray Charbonneau, former Representative from Groveton, and

*Whereas*, Ray Charbonneau served his community faithfully and with honor, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Ray Charbonneau, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

## COMMITTEE REPORTS

### HB 124

to reclassify a certain section of highway in the town of Jaffrey. Ought to pass with amendment. Rep. Drake for Appropriations.

Returns Prescott Road to town maintenance and authorizes transfer of money previously appropriated by the state and the town of Jaffrey to repair the road. The amendment changes the effective date.

## AMENDMENT

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

### HB 329

to further define the school year. Inexpedient to legislate. Rep. Cecelia L. Winn for Education.

It was the unanimous vote of the committee that this bill would remove prerogatives and flexibility of local school boards.

Resolution adopted.



**HB 366**

to require approval of a supervisory union budget by the voters of each school district. Inexpedient to legislate. Rep. William P. Boucher for Education.

Bill was voted inexpedient to legislate by request of sponsor.

Resolution adopted.

**HB 195**

relative to semi-annual collection of taxes in cities and towns. Ought to pass with amendment. Rep. Ethier for Municipal and County Government.

Legislation provides assessing officials with methods of computing partial payments in those towns and cities where taxes are collected semi-annually.

**AMENDMENT**

Amend RSA 76:15-a as inserted by section 1 of the bill by striking out in line seven the word "current" and inserting in place thereof the following (the current year) so that said section as amended shall read as follows:

76:15-a Semi-Annual Collection of Taxes in Certain Towns and Cities. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in RSA 76:15-b. A partial payment of the taxes assessed on April first in any tax year equal to one half of the total taxes assessed for the previous tax year; provided, however, that whenever it shall appear to the selectmen or assessors that individual properties have physically changed in valuation they may use the current year appraisal times one half the previous year's tax rate to compute the partial payment. Partial payment of taxes assessed under this section shall be due and payable on July first of the present tax year. A payment of the remainder of the taxes assessed on April first, minus the payment due on July first of that year shall be due and payable December first. Interest at the rate of six percent shall be charged on all taxes not paid between July first and December first. Interest charged after December first shall be in the amount prescribed in RSA 76:13.

Amendment adopted.

Ordered to third reading.

**HJR 10**

providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling. Ought to pass with amendment. Rep. Drake for Appropriations.

Allows enough money for the special board handling dredge and fill matters in the Water Resources Board to fulfill its functions for the period ending June 30, 1973.

**AMENDMENT**

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

The sum of six thousand dollars is hereby appropriated for the fiscal year ending June 30, 1973 for the use of the special board of the water resources board authority to be expended to carry out the purposes of 1969, 387:6, as amended by 1971, 329:1. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

At the request of Rep. T. Anne Webster, Rep. Scamman answered questions.

Rep. Scamman yielded to Rep. Kopperl to answer questions.

Rep. Kopperl yielded to Rep. Drake to answer questions.

Amendment adopted.

Ordered to third reading.

**HB 388**

relative to conducting aerial photographic surveys and obtaining aerial photographs and making an appropriation therefor. Ought to pass. Rep. Colburn for Environment and Agriculture.

Provides funds for aerial photography of the seven southern counties of New Hampshire. These maps would be available at a small cost to towns and would be valuable for use in preparation of town tax maps, and for local and state planning.

Rep. Gerry F. Parker moved that HB 388 be indefinitely postponed and spoke in favor of the motion.

Rep. Greene explained the committee report.

Reps. Kopperl and Oleson spoke against the motion.

(discussion)

Rep. Gerry F. Parker withdrew his motion.

Referred to Appropriations.

### **HB 397**

relative to the permitted use of privies. Ought to pass. Rep. Copenhaver for Public Health and Welfare.

This bill will amend RSA 147:8 which regulates the type of toilet facilities allowed in the state. The amendment provides that in certain cases private family toilet facilities are allowed without being connected to septic tanks or sewer pipes, but only if they meet with the approval of town health officials as to location and construction. If the local health officials deem it necessary further approval may be required from the Water Supply and Pollution Control Commission.

Rep. David J. Bradley explained the bill.

Rep. Richard L. Bradley spoke in favor of the bill.

(discussion)

Ordered to third reading.

### **HCR 11**

opposing national no-fault insurance legislation. Ought to pass. Rep. Milne for Resolutions.

At the request of Rep. Spirou, Rep. George B. Roberts, Jr. answered questions.

(discussion)

Rep. Coutermarsh spoke in favor of the resolution.

Ordered to third reading.

### **HB 205**

relative to voter registration by town and city clerks. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

Will authorize town clerks to receive applications from voters to add their names to the checklist. These will be forwarded to the supervisors who, if they agree will add the name. The amendment requires the supervisors to notify the voter if his name is not added.

#### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Forwarding of Names by Town or City Clerk. Amend RSA 55:9-b (supp) as inserted by 1972, 47:2 by striking out said section and inserting in place thereof the following:

55:9-b Names to be Forwarded. The town or city clerk shall present to the next meeting of the supervisors of the checklist names of all persons making application to him since the previous meeting of the supervisors of the checklist. Unless the supervisors shall be of the opinion that an applicant is not qualified, they shall cause his name to be added to the checklist. If the supervisors do not place the applicant's name on the checklist, they shall notify the applicant of that fact.

At the request of Rep. Greene, Rep. Russell C. Chase answered questions.

Rep. Greene spoke against the bill.

Rep. Chase explained the committee report.

Rep. Gorman spoke in favor of the committee report.

(discussion)

Rep. Sherman moved that HB 205 be recommitted to the committee on Statutory Revision and spoke in favor of the motion.

Reps. Tucker and Spirou spoke against the motion.

Reps. Lambert and Boisvert moved the previous question. Sufficiently seconded.

Adopted.

Motion lost.

Amendment adopted.

Ordered to third reading.

**SB 31**

providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

Several states never changed. Others have gone back to May 30 and November 11 as this bill suggests. This move by New Hampshire will add to the pressure on Congress to change the federal law. The amendment changes the effective date to January 1, 1974.

Rep. Ineson moved that SB 31 be made a special order for Thursday, March 15th.

Rep. Chase spoke in favor of the motion.

(discussion)

A division was requested.

150 members having voted in the affirmative and 115 in the negative, SB 31 was made a special order for Thursday, March 15th.

**HB 66**

establishing a flat rate registration fee for all passenger motor vehicles except trucks and providing for a monthly proration of the fee. Ought to pass. Rep. Hamel for Transportation.

After considering all alternatives, the committee feels this bill best solves a problem for the Motor Vehicle Division, the town clerks, and the public. The flat rate of \$2 per month will ease the change to a monthly expiration system. Average annual fee paid by all cars is now \$22.12.

At the request of Rep. Kopperl, Rep. Hamel explained the bill.

(discussion)

Rep. Lambert moved that HB 66 be made a special order for Tuesday, March 13th and spoke in favor of the motion.

Reps. Hamel, James W. Murray, Spirou and Cary spoke against the motion.

Motion lost.



Rep. Lawton offered an amendment, and spoke in favor of the amendment.

Reps. Hamel, Harvell, Meserve, James W. Murray and Elmer L. Johnson spoke against the amendment.

Reps. Daniell and Oleson spoke in favor of the amendment.

Reps. Lambert, Boisvert, Nelson, and Craig D. Smith moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Gerry F. Parker requested a division.

It being manifestly in the negative, the amendment lost.

Rep. Mabel L. Richardson moved that the words inexpedient to legislate, be substituted for the committee report, ought to pass.

A division was requested.

It being manifestly in the negative, the motion lost.

Referred to Appropriations.

## **HB 199**

requiring spark arrestors on motor vehicles operating in woodlands without snowcover. Ought to pass with amendment. Rep. Hamel for Transportation.

To minimize fire danger, this bill requires spark arresting devices on motorized vehicles and equipment used in woodlands without snowcover.

Rep. Meserve moved that HB 199 be recommitted to the Committee on Transportation and spoke in favor of the motion.

Rep. Hamel spoke in favor of the motion.

(discussion)

Recommitted to committee on Transportation.

## **ENROLLED BILLS REPORT**

HB 46, relative to the mode of hunting deer in the town of Chester.

HB 90, repealing the limit on horned pout.

HB 103, to provide for the disposition of abandoned aircraft.

HB 104, relative to changing the structure for determining aircraft registration fees.

HB 121, relative to exemption from resident tax of members of the armed forces.

HB 131, relative to penalty for violation of rules and regulations relative to lobsters, crabs and fin fish.

HB 200, relative to right of entry upon any lands in the state by forest fire control personnel in the performance of their duties and providing penalty for interference with same.

HB 217, relative to removal of junked vehicles along federal-aid highways.

Katherine J. Harriman  
*For The Committee*

### SUSPENSION OF RULES

Rep. George B. Roberts, Jr. moved that the rules be so far suspended as to permit the introduction of a House Resolution not previously advertised in the calendar, dispense with printing, committee reference, and that it be taken up at the present time.

Adopted by the necessary two-thirds.

### HOUSE RESOLUTION NO. 8

*Whereas*, the office of budget management has made public disclosure that certain federal funds designated for state use have been impounded, and

*Whereas*, the United States Congress has appropriated those funds in the form of federal grant in aid programs, and

*Whereas*, the state of New Hampshire is entitled to millions of dollars of aid in the form of said programs, and

*Whereas*, it is important that the legislative branch know the impact, both economic and social, of said impoundment upon its decision making capabilities as well as its fiscal responsibility to finalize the budget; now therefore be it

*Resolved*, by the House of Representatives in General Court convened: That the coordinator of federal funds is hereby asked to report to the speaker of the house and the chairman of the house appropriations committee, on or before March 22, 1973, the net dollar loss as well as an evaluation of such a loss upon the state of New Hampshire and those programs which the grant in aid funding affects.

The clerk read the resolution in full.

Rep. George B. Roberts, Jr. spoke in favor of the resolution.

(discussion)

Rep. Coutermarsh spoke in favor of the resolution.

Resolution adopted.

Ordered to third reading.

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Consent Calendar Day Wednesday, March 14th.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns, it adjourn to meet Tuesday next at 11:00 a. m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 124, to reclassify a certain section of highway in the town of Jaffrey.

HJR 10, providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling.

HB 195, relative to semi-annual collection of taxes in cities and towns.

HB 397, relative to the permitted use of privies.

HCR 11, opposing national no-fault insurance legislation.

HB 205, relative to voter registration by town and city clerks.

HR 8, relative to impoundment of federal funds.

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The Speaker announced that Rep. Streeter is celebrating his 68th birthday today.

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### RECONSIDERATION

Rep. Tucker moved reconsideration on HB 205, relative to voter registration by town and city clerks.

Motion lost.

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On motion of Rep. Ezra B. Mann the House adjourned at 2:36 p.m. in honor of Rep. Streeter's 68th birthday.

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## *Tuesday, 13Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord, our God,** we pray for ourselves but also for our children and our children's children, for all who will be born after us, that we may leave them freedom, happiness and peace. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Bushey led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Cobleigh, Soule and Randall, the week, illness.

Rep. Ames, today and tomorrow, illness.

Rep. Cullity, indefinite, illness.

Rep. Lamy, the day, death in family.

Reps. Slicer and Nelson, the day, important business.

Reps. Huot, Zechel, Tony Smith and Forcier, the week, important business.

### QUALIFIED

Mr. J. Milton Street, Clerk  
House of Representatives

This is to advise you that Barbara B. Bowler, of Tilton, was sworn in as Representative for Belknap County District No. 3 at the Governor and Council meeting held March 13, 1973.

Robert L. Stark  
Secretary of State

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 558 through 579, Concurrent Resolution Proposing Constitutional Amendments number 30 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & CACR

First, second reading & referral

HB 558, to foster the establishment of management-employee relations in state employment. (Roberts of Belknap Dist. 4; Coutermarsh of Hillsborough Dist. 24 — To Executive Departments and Administration.)

HB 559, relative to compensation of beneficiaries of law enforcement officers killed in the line of duty; and making an appropriation therefor. (Tuttle of Rockingham Dist. 5 — To Executive Departments and Administration.)

HB 560, relative to the investing of liquor commission receipts and other state funds. (Twigg of Belknap Dist. 4 — To Banks and Insurance.)



HB 561, relative to property tax relief for the elderly. (Cobleigh of Hillsborough Dist. 17 — To Ways and Means.)

HB 562, relative to redemption of real estate at tax sales. (Warren of Grafton Dist. 8 — To Judiciary.)

HB 563, relative to prerequisites for the collection of real estate commissions. (Warren of Grafton Dist. 8 — To Executive Departments and Administration.)

HB 564, relative to annual meetings of credit unions. (Noble of Merrimack Dist. 21 — To Banks and Insurance.)

HB 565, requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported. (Bartlett of Merrimack Dist. 8 — To Transportation.)

HB 566, prohibiting the unauthorized copying of certain recorded devices for sale. (Nutting of Hillsborough Dist. 14 — To Judiciary.)

HB 567, relative to the interest rate charged on delinquent taxes in the city of Portsmouth. (Maynard of Rockingham Dist. 18 — To Special Committee on Portsmouth Delegation.)

HB 568, relative to approval of zoning amendments disapproved by planning boards or zoning commissions. (Harvell of Hillsborough Dist. 9 — To Municipal and County Government.)

HB 569, relative to the time of delivery of the county budget statement. (Ineson of Strafford Dist. 9 — To Municipal and County Government.)

HB 570, providing for regulation of electricians and electrical installation and making an appropriation therefor. (Noble of Merrimack Dist. 21; Daniels of Hillsborough Dist. 25 — To Executive Departments and Administration.)

HB 571, relative to making an appropriation for the New Hampshire veterans association. (Lawton of Belknap Dist. 1 — To Claims, Military and Veterans Affairs.)

HB 572, establishing a program providing for State Educational Opportunity Grants. (Read of Rockingham Dist. 4 — To Education.)

HB 573, creating a New Hampshire state office in Washing-

ton, D. C. (Coutermarsh of Hillsborough Dist. 24 — To Executive Departments and Administration.)

HB 574, relative to advanced registered nurse practitioners. (Daniell of Merrimack Dist. 13 — To Public Health and Welfare.)

HB 575, relative to the municipal budget act being applied to supervisory school unions. (Curran of Grafton Dist. 1 — To Education.)

HB 576, relative to guardianship statutes. (Johnson of Cheshire Dist. 1; Wilson of Rockingham Dist. 2; Woods of Rockingham Dist. 22 — To Judiciary.)

HB 577, relative to child placing and the care of children. (Hamel of Rockingham Dist. 11; Wilson of Rockingham Dist. 2 — To Statutory Revision.)

HB 578, relative to the duties of the division of welfare pertaining to child welfare. (Cobleigh of Hillsborough Dist. 17; Johnson of Cheshire Dist. 1 — To Statutory Revision.)

HB 579, relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents. (Townsend of Sullivan Dist. 1; Oleson of Coos Dist. 5 — To Statutory Revision.)

CACR 30, Relating to: Age Qualifications for Certain Elective Offices. Providing that: No person shall be qualified to be elected governor or state senator until he is of voting age. (Helie of Cheshire Dist. 12; Lynch of Hillsborough Dist. 34 — To Constitutional Revision.)

## VACATES

Rep. Collishaw moved that the House vacate the reference of HB 546, to establish a state liquor store in the town of Raymond and making an appropriation therefor to the committee on Public Works and re-refer said bill to the committee on Liquor Laws.

Adopted.

Rep. Arthur F. Mann moved that the House vacate the reference of HJR 27, providing an appropriation to reimburse Rockingham county for losses sustained due to well contamination.

tion, to the committee on Public Works and re-refer said Resolution to the committee on Claims, Military and Veterans Affairs.

Adopted.

Rep. Sara M. Townsend moved that the House vacate the reference of HB 496, providing an appropriation for old age assistance, to the committee on Labor, Human Resources and Rehabilitation and re-refer said bill to the committee on Public Health and Welfare.

Adopted.

Rep. Greene moved that the House vacate the reference of SJR 1, establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences relative to pollution of land, water, and air; the economic, social and educational problems associated with this growth; and making an appropriation therefor, to the committee on Resources, Recreation and Development and re-refer said resolution to the committee on Environment and Agriculture.

Adopted.

Rep. Collishaw moved that the House vacate the reference of HB 492, to establish a state liquor store in Winchester and making an appropriation therefor, to the committee on Public Works and re-refer said bill to the committee on Liquor Laws.

Adopted.

#### NOTICES OF RECONSIDERATION

Rep. Zachos served notice that today or some subsequent day he would ask the House to reconsider its action in passing HR No. 6, requesting an advisory opinion of the State Supreme Court.

Rep. Gay served notice that today or some subsequent day he would ask the House to reconsider its action in passing HR No. 8, regarding the impoundment of Federal funds.

Rep. Coutermarsh served notice that today or some subsequent day he would ask the House to reconsider its action in passing HR No. 7, requesting an advisory opinion from the Supreme Court relative to the constitutionality of HB 79.

## HOUSE CONCURRENT RESOLUTION NO. 12

Rep. Beaulieu offered the following:

TO PROPOSE AN AMENDMENT TO THE  
CONSTITUTION OF THE UNITED STATES  
RELATIVE TO AN INDIVIDUAL'S RIGHT OF LIFE,  
LIBERTY OR PROPERTY COMMENCING AT THE  
MOMENT OF CONCEPTION.

*Whereas*, A majority of the States presently impose criminal sanctions for abortions; and

*Whereas*, It is the inherent right of every individual, at the moment of conception, to be entitled to the same rights as those enjoyed by persons after birth;

*Now Therefore Be It Resolved*, by the House of Representatives, the Senate concurring:

That the Congress of the United States be, and it, hereby, is requested to propose the following article as an amendment to the Constitution of the United States or to call a convention for such purpose as provided by Article V of the Constitution:

“Article —

An individual, from the moment that he or she is conceived, shall not be deprived of life, liberty, or property, without due process of law. No State shall deprive any individual, from the moment that he or she is conceived, of life, liberty, or property, without due process of law; nor deny to any individual, from the moment that he or she is conceived, within its jurisdiction, the equal protection of the laws.”

*Resolved*, That the Congress of the United States be, and it hereby is requested to provide, as the mode of ratification, that said amendment shall be valid to all intents and purposes, as part of the Constitution of the United States, when ratified by three-fourths of the several states.

*Resolved*, The Secretary of State be, and he hereby is, directed to send a duly certified copy of this resolution to the Senate of the United States and one to the House of Representatives in the Congress of the United States.

The clerk read the Resolution in full.

Referred to Constitutional Revision.

## HOUSE RESOLUTION NO. 9

## IN OPPOSITION TO THE GRANTING OF AMNESTY

Rep. Chandler offered the following:

*Whereas*, over two million young Americans have served in the armed forces of the United States of America in the Republic of Vietnam; and

*Whereas*, thousands of these young Americans have given of their careers and lives in the service of the United States; and

*Whereas*, only now are we seeing the return of those brave Americans who were held as prisoners of war by the adversary in Southeast Asia; and

*Whereas*, hundreds of other Americans, refusing to serve in the armed forces of the United States have either obtained conscientious objector status or paid the necessary criminal penalties for violating the laws of our land; and

*Whereas*, civil disobedience calls for disobeying a law because one believes that it is immoral and then accepts the punishment for violating that law, it is quite another matter to expect the society that made the law not to punish one for that disobedience; and

*Whereas*, for a democratic government to be viable its citizens cannot pick which laws they will obey and which laws they will ignore;

*Now therefore be it resolved* by the House, of the State of New Hampshire assembled that we are firmly opposed to the granting of amnesty to those individuals who left the United States of America rather than serve in the armed forces or pay the criminal penalties for violating the laws of the land in regard to military service; and moreover

*Be it further resolved* that we oppose the granting of amnesty to those who deserted from the armed services of the United States and fled to another nation to escape civil or military punishment; and moreover

We call upon the Members of the United States House of Representatives and United States Senate from the State of New Hampshire to oppose any legislative proposal which would grant amnesty to those draft dodgers and deserters who left the



United States of America rather than pay the penalties for their actions; and moreover

A copy of this resolution shall be sent to all Members of the United States House of Representatives and the United States Senate from this State.

Referred to Resolutions Committee.

## SENATE MESSAGES

### CONCURRENCE

HB 8, repealing the bounty on bobcats.

HB 194, authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 42, relative to excepting certain pupils from authorized regional enrollment area school agreements Education.

SB 33, relative to payment of court fees for breath tests of blood alcohol content. Judiciary.

### CONCURRENCE HB WITH SENATE AMENDMENT

HB 96, providing that alternate members may be appointed to zoning boards of adjustment.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Zoning Boards of Adjustment. Amend RSA 31 by inserting after section 67 the following new section:

31:61-a Alternate Term; Vacancies. The board of adjustment may also consist of between two and five alternate members. Whenever a regular member shall be absent, one of the alternates shall act in his place. No member shall vote on any matter brought before the board unless he was present during all hearings held on that matter. When the board is first organized, the legislative body shall establish the number of alternates between two and five and the term for each alternate not

to exceed five years. Said alternate members shall be removable by the appointing authority upon written charges, and after public hearing in the same manner as provided in RSA 31:67. Vacancies among the alternates shall be filled for the unexpired term.

The clerk read the amendment in full.

Rep. Hanson moved that the House concur.

At the request of Rep. Williamson, Rep. Hanson answered questions.

Adopted.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 122, providing for rules of professional conduct in the practice of engineering.

#### AMENDMENT

Amend RSA 319:8-a as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

319:8-a Public Hearings. Before adopting or amending rules of professional conduct, the board shall advertise in at least one newspaper of statewide circulation giving notice of at least one public hearing that shall be conducted by the board. Such notice of the public hearing shall be given not less than fourteen nor more than forty-five days prior to said hearing. At least forty days prior to the scheduled hearing, the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all engineers registered by the board.

The clerk read the amendment in full.

Rep. Newell moved that the House concur, and explained the amendment.

Adopted.

#### COMMITTEE REPORTS

##### HJR 13

providing an appropriation for Mrs. Frances Scott. Ought to pass with amendment. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

This resolution appropriates \$55.00 to reimburse Mrs. Scott for coat stolen by inmate of New Hampshire Hospital where Mrs. Scott works as an attendant.

#### AMENDMENT

Amend the caption of the resolution by striking out the same and inserting in place thereof the following:

#### AN ACT

making an appropriation to the New Hampshire Hospital Auxiliary.

Amend the bill by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of fifty-five dollars is hereby appropriated to the New Hampshire Hospital Auxiliary to reimburse it for the coat which it supplied to Mrs. Frances Scott of Belmont, to replace a coat which she lost as a result of a theft from a locker while she was on duty as an attendant at the New Hampshire State Hospital. Said appropriation shall be in full and final settlement for said loss. The governor is authorized to draw his warrant for said sum herein appropriated out of any money in the treasury not otherwise appropriated.

At the request of Rep. Hanson, Rep. Chandler answered questions.

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Rep. Joseph L. Cote requested a quorum count.

286 members answering the call, a quorum was declared present.

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#### COMMITTEE REPORTS CONTINUED

Rep. Cushman explained the committee report.

Amendment adopted.

Ordered to third reading.

#### UNANIMOUS CONSENT

Reps. George B. Roberts, Jr., Stevenson and Coutermarsh addressed the House by unanimous consent.

Rep. Boisvert moved that the remarks by Rep. George B. Roberts, Jr., Stevenson and Coutermarsh be printed in the Journal.

Adopted.

#### REMARKS OF REP. GEORGE B. ROBERTS, JR.

Majority Floor Leader on HR 8, regarding the impounding of funds.

Today I take the floor on unanimous consent, the first time in my six years in the legislature that I have done so. This should indicate to you the seriousness of what I am about to say. The time for acquiescence or apathy is over — we can no longer afford ourselves that luxury if we are to remain a viable body. Therefore, I am speaking to the House today to address myself to two distinct problems that face the state of New Hampshire.

Last Thursday, this House passed, by an overwhelmingly majority, HR 8. In fact, I personally did not hear a dissenting vote. In this resolution it was stated that because the Office of Management of the Budget had impounded certain federal funds, and because the state of New Hampshire is dependent, in some degree, upon those funds — in the form of grant in aid programs — and because it is most important that the *Legislative Branch* know — indeed it has both the *need* and the *right* to know — exactly what the impact of that federal decision is upon our present operating and future operating biennial budget, this House resolved that the coordinator of federal funds be asked to report to the House Appropriations Committee Chairman and to the Speaker of the House on or before March 22 what the net dollar loss of that federal action would mean to the state of New Hampshire, its budget and some type of evaluation as to exactly what programs and what people would be affected by said impoundment.

On Friday, March 9, during a press conference, the Chief Executive misconstrued the purpose of that resolution, and tried to identify this House's action with the request made by the bipartisan U. S. Senate Committee of Senator Packwood of Oregon and Senator Humphrey of Minnesota.

Neither this speaker, nor the resolution, attempted to

make any accusations as to the value or the validity of the actions of the United States President or the Office of the Budget. However, if, in fact, the Governor's office can state that and I quote, "The impoundment is occurring in Washington at the insistence of the President. It now amounts to about 15 million dollars." I must report that this is exactly what HR 8 requests but in a more definitive manner.

Neither the sponsor of the resolution nor the minority leaders are confused as to what the impoundment does to the state of New Hampshire. I personally think the confusion rests with the public at large who have not heard any public official explain exactly what will happen to the state budget or the programs for which those impounded funds were appropriated.

In a question posed to the Chief Executive during the press conference — "Governor, you say there's no way for us to provide this information. Could this mean you don't feel this state has the resources in the state to make the information available?"

The Chief Executive answered, "I don't believe there are any resources available for us, for example, to go to Washington to find out what funds have been impounded and then follow them back through here. I think that this would involve a tremendous expenditure of money and that if the Legislature is interested in that sort of thing, then I would suggest that they get up an appropriation and give us a means of hiring people to do it."

The Governor went on to state: "There is no way for us to provide any information on the subjects they have asked. That information as far as the impoundment of funds is not something that we have here but is in Washington and anyone interested can get that from the Federal Register."

Mr. Speaker, I think that the above comment is not only arrogant, but demonstrates a total lack of knowledge on the Governor's part as to the functions of the coordinator of federal funds, an agency which is housed and directed in the executive branch of government.

In fact, Mr. Speaker, the coordinator of federal funds is expected to do exactly those things as HR 8 directs. In fact the Legislature in fiscal year 1974-75 has appropriated \$87,204



for the total operation of that office for those two years. In fact . . . the present Chief Executive has increased that staff by at least one new person so as to be better able to determine just what federal funds will be available to municipalities and to more clearly define for other units of government exactly what federal grant in aid programs are available for their use.

If the time has come where a division of the executive branch does not know how to evaluate the impact of the impoundment of federal funds, then perhaps the legislature should address itself to the question of whether or not the coordinator of federal funds be part of the legislative branch.

On my own part, because of the lack of response shown by the Executive Office, I have contacted several federal officials in an attempt to collect the information needed to do a proper analysis on the impoundment of federal money. During my quest for information I have not only been told by those federal officials that New Hampshire is the only state that has replied to the special Senate Committee, but . . . also that it has not attempted to request from them specific information with regard to the impoundment of federal funds. I believe that the legislative branch needs this information and that the executive branch of government, which not only has the capabilities in the way of time and staff, but also the talented people to make those kinds of compilations should make every attempt to obtain this information requested in HR 8 and make it available to this body.

To show just how much impact this type of federal action has on the state of New Hampshire, using one agency — the Department of Health and Welfare — let me state a few facts. According to the federal regulation no longer will private funds be allowed by the federal government to match federal money to pay such programs as Home Services for the Aged, Day Care Centers and Rehabilitation Services. It is estimated by some in state government that the impact of impounding funds for that particular agency might be felt by some 30 to 40 thousand people. In the so called 4 A funds, used for mental health programs, there will be an estimated loss to the state of New Hampshire of 5.2 million dollars. In other words . . . there will be a complete curtailment of the system which allowed every \$1 that a private charity might be able to raise to be matched with \$3 from federal funds. There are 35 some such programs

that come under that special aid funding. We . . . the legislative body . . . should have that type of information available to evaluate our state budget. We the legislative body should demand that this information be made available.

In the case of aid to the totally disabled and blind, the federal government is proposing that they pay the entire cost of that program and not require the state to match that program. If, in fact, the federal government is going to reduce the amount of payment that they make, we the legislature should know so that we can evaluate whether or not the state of New Hampshire should continue to match that federal money.

If, in fact, we are concerned about the mental health problems in the state of New Hampshire, and, if in fact, we want to reduce admissions to our State Hospital and continue on a program of having impatient local facilities . . . then we must be concerned about the impoundment of federal funds. Best information to date relates that the impoundment will give, in particular, no facility funds for the city of Manchester.

Mr. Speaker . . . in the opinion of this speaker, the aforementioned could have been only an isolated example of a problem this legislature will have to struggle with — that problem is not only the problem of executive responsibility but also the problem of the assumption of all power and authority by the Executive Office on those matters which both by tradition and the constitution are vested with the legislature.

Mr. Speaker, I allude to the suggested bill in which the present executive officer in this state would appoint one person and one alone who would control not only the Department of the Budget and Accounting in the state of New Hampshire but also the State Treasurer, which is an elected office by the Legislature, the Department of Centralized Data Processing, which is a service agency, the Department of Revenue which is our present Tax Commission and also called Department of General Services. In this proposed legislation of the Chief Executive I envision, and it is my fear, that this person would control the actual operations of all of these agencies. He would assign all personnel in these agencies and he would assume all the powers and all the authority vested in those agencies. It would abolish the Department of Administration and Control and would make the Tax Commission a part of this all powerful structure.

It would cost approximately one quarter of a million dollars for transfer and absorption of all of the present and proposed budgets of the aforementioned agencies and become the biggest monolithic bureaucracy ever proposed by any governor in the state of New Hampshire. This one person would have all control and would be only subject to the Governor and Council for all the fiscal analysis and all the fiscal accountability of the state and would control all of the tax records and the administration of our present Tax Commission and would become not only the most powerful person in State Government, with the exception of the Governor, but also potentially the most dangerous.

Mr. Speaker, this proposed legislation in my opinion, while it involves some traditional changes in the state administration, and in fact, has some parts which could be implemented. . . . This special piece of legislation represents to me one of the most blatant grasps for power that I have seen in my six years in the Legislature.

Mr. Speaker, it is possible, I expect, that myself and other legislators could launch efforts to secure this information on our own; however, I think that when we appropriate money for a state department to do a certain job that we should also expect that that job be done, and I do not see any lack of personnel or lack of funds in that particular agency so that they would be inhibited from responding to this legislative request.

As to other proposed legislation, I will from time to time make public statements to validate these statements and warn the legislative body when I believe, to the best of my ability, that our legislative function has been preempted and when I believe that the Chief Executive's Office is attempting to make the legislative body subordinate to this office.

#### REMARKS OF REP. STEVENSON REGARDING HR 8

Thank you, Mr. Speaker. Mr. Speaker, as a Republican, I have been in this house eighteen years. During that time I have seen Majority Floor Leaders come and I have seen Majority Floor Leaders go, but up until this time, in my opinion, they have always acted like Republicans. I think today we've taken a turn for the worse. I think we have a Republican Floor Leader in this House who has refused to go in and consult with a Re-

publican Governor over this matter. This is his shortcoming. Instead of saying, "the Governor should have done it," why didn't he go in and consult with the Governor, stick with the Governor and get the correct answers? Right now the Governor's office is trying to get this information. They were trying to get this information before the Majority Leader brought this up. The Governor's office can tell you very readily what grants are going to be knocked out. But he can't tell you at this time, what revenue sharing is going to take their place. What if we get fifty million dollars in revenue sharing for the Health and Welfare Department that we can spend any way we want? This isn't cutting our budget necessarily. This isn't going to show in these facts and figures. The Governor wasn't even given time enough to get these facts. He told me this morning that he thought in perhaps three or four more days they could be available. Here we are speaking of budgets and condemning the Governor as though the President's budget was already passed. Well, this is absolutely ridiculous. To speak of bills in the future that are going to take our control away from us when we haven't even voted on them is absolutely unthinkable. We're speaking before the fact, not after the fact. Let's wait till some of these bills appear. Let's wait till some of these problems appear and let's try and cooperate with the Governor. Our Majority Floor Leader, supposedly Majority Republican Floor Leader, is a better Majority Floor Leader, whether Republican or Democratic, than he was two years ago. He had to learn some things, he had to make some mistakes; and our Governor's making a few mistakes too, and he'll continue to make them. But if you will try and cooperate instead of trying to hinder him and dig snake pits all over the lot, the Republican party will be a lot better off.

REMARKS OF REP. COUTERMARSH, MINORITY  
FLOOR LEADER ON HR 8

Mr. Speaker. You know it always grieves me deeply when the Republicans start to fight among themselves. When I assumed the office of Minority Leader, I indicated then that I would support what I considered to be constructive, responsive government for the citizens of New Hampshire and by and large I have tried to follow that precept. Incidentally, both of these individuals are good friends of mine. I don't think that



it's unreasonable for this House to request from the Governor, for our information, a list and total of the Federal Funds that have been stricken from the budget by the Nixon Administration in Washington, which is placing a higher value on dollars than on people. I recently attended a conference of National Legislators with the Majority Leader, and no less distinguished a person than Senator Muskie from Maine addressed the conference on this very issue. These very serious and far-reaching effects would be felt by many, many programs not only in this state but throughout the land. Our elderly, the sick, and those with afflictions, the O.E.O. programs, the WIN program, and others. Now, I'm not attempting to be discourteous to the Executive Department or the Governor, but it seems to me that where we have a Coordinator of Federal Funds and the Governor, in his budget message said that in order to make that office more responsive even though he was impounding and cutting out matching funds for the state because the Federal Government had done it, that he was appointing an assistant coordinator of Federal Funds which was most illogical. If we are going to have less funds and programs to deal with, it doesn't make sense in my book that we need an assistant to help the regular coordinator tell the Federal Government that we can't participate. So I don't think that the Majority Leader is very far off base. If we are going to intelligently deal with the budget and programs and more important, the effects it will have on the people, then we ought to be able to have answers forthcoming from the coordinator of Federal Funds. This information is available in other states and it should be available to us and with this, I will close.

## COMMITTEE REPORTS CONTINUED

### HB 312

providing for the withdrawal of the town of Derry from Supervisory Union No. 10. Majority: Inexpedient to legislate; Rep. Hager for Education. Minority: Ought to pass with amendment. (Rep. William P. Boucher.)

Majority: Committee feels action to effect this change should be brought before Board of Education of state of New Hampshire rather than the Legislature.

Minority: With over 2300 elementary students Derry feels they are large enough to be a Supervisory Union of one.



Rep. Barka spoke in favor of the minority report.

Rep. Senter moved that HB 312 be laid on the table until May 8th.

Adopted.

#### **HB 334**

providing for the purchase of state employees' uniforms by the state and making an appropriation therefor. Inexpedient to legislate. Rep. Wuelper for Executive Departments and Administration.

The committee sympathized with employees of certain departments, such as the Laconia School and New Hampshire Hospital, who must wear uniforms which the state does not provide; but the cost and the problems involved would seem better solved by paying these employees enough to cover the cost of their uniforms.

Resolution adopted.

#### **HB 333**

to establish a state liquor store in West Lebanon and making an appropriation therefor. Ought to pass. Rep. Pray for Liquor Laws.

Survey of location made, public hearing held, unanimous vote of committee.

Referred to Appropriations.

### **RECESS**

### **AFTER RECESS**

### **EXTENSIONS**

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 216, relative to the examination, certification and regulation of arborists.

Granted.

Rep. Frizzell moved that the committee on Judiciary be

granted a six-day extension on HB 86, requiring grantor at grantee's request to include in the warranty deed a covenant that the real estate at the time of purchase can be used for grantee's stated purpose.

Granted.

Rep. Claffin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 129, to reimburse the town of Lincoln for its outstanding share of indebtedness on bonds issued for the cost of its industrial waste treatment plant and to make an appropriation therefor.

Granted.

#### VACATE

Rep. Merrill moved that the House vacate the reference of HB 507, providing for unemployment compensation dependency payments to the committee on Statutory Revision and refer said bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

#### HOUSE CONCURRENT RESOLUTION NO. 13

Rep. Senter offered the following:

memorializing the Congress of the United States  
not to rebuild North Vietnam.

*Whereas*, The people of the State of New Hampshire have given strong support for the actions taken by the various administrations in prosecuting the conflict in Vietnam; and

*Whereas*, The numerous sons and daughters of the Granite State have actively participated in this conflict as members of our armed forces; and

*Whereas*, Many of these native sons and daughters made the supreme sacrifice along with their numerous comrades-in-arms from throughout the United States as well as those who shall bare the permanent scars of this conflict for the rest of their lives in their valiant and courageous efforts to secure and maintain freedom for their South Vietnamese allies; and

*Whereas*, The United States government is under neither a legal nor moral obligation to render financial or other assistance to a former military enemy;

*Now Therefore Be It Resolved* by the House of Representatives of the State of New Hampshire with the Senate concurring, that this legislature respectfully petitions the Congress of the United States to deny any financial or material assistance to the people or government of North Vietnam.

*Be It Further Resolved* that the secretary of state forward certified copies of this resolution to the members of the New Hampshire delegation, clerk of the United States Senate, clerk of the United States House of Representatives and to the President of the United States of America.

The clerk read the resolution in full.

Referred to Resolutions Committee.

### SUSPENSION OF RULES

Rep. Hamel moved that the rules of the House be so far suspended as to allow the granting of an extension until May 15 to the committee on Transportation on HB 337, increasing boat registration fees and providing a continuing appropriation of such fees for the use of the Division of Safety Services.

Adopted by the necessary two-thirds.

### NOTICE OF RECONSIDERATION

Rep. Williamson served notice that today or some subsequent day he would ask the House to reconsider its action in concurring in the amendment offered by the Hon. Senate on HB 96, providing that alternate members may be appointed to zoning boards of adjustment.

### COMMITTEE REPORTS CONTINUED

#### HB 345

relative to licensing and restraining dogs. Ought to pass with amendment. Rep. Burke for Municipal and County Government.

Increases the penalties which may be affixed for breach of ordinances concerning the licensing and restraining of dogs.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Selectmen of Towns May Make By-laws and Regulations. Amend RSA 466:39 by striking out said section and inserting in place thereof the following:

466:39 Municipal Regulations. The city council of a city or the board of selectmen of any town may make such additional ordinances, by-laws and regulations concerning the licensing and restraining of dogs as they deem expedient, and may affix penalties not exceeding fifty dollars for a breach thereof. Such by-laws and regulations shall relate only to dogs owned or kept in such city or town; and the annual fee required for a license shall in no case be more than five dollars in addition to the sum hereby required.

Amendment adopted.

Ordered to third reading.

**HB 348**

relative to notice of hearing by zoning board of adjustment. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

This bill prescribes that boards of adjustment shall hold a public hearing within prescribed number of days after receipt of an appeal. Also prescribes that abutters of the appellant shall be ratified by certified mail, at expense of appellant.

## AMENDMENT

Amend the bill by striking out section 1 of the bill and inserting in place thereof the following:

1 Hearing Notice on Appeals. Amend RSA 31:71 by striking out said section and inserting in place thereof the following:

31:71 Hearing Notice. The board of adjustment shall hold a public hearing.

I. Notice thereof shall be given as follows:

(a) The appellant and all the abutters shall be notified of the hearing by certified mail, return receipt requested, stating

the time and place of the hearing, and such notice shall be given not less than five days before the date fixed for the hearing of the appeal.

(b) A public notice of the hearing shall be placed in a newspaper of the general circulation in the area, not less than five days before the date fixed for the hearing of the appeal.

II. The public hearing shall be held within thirty days of the receipt of the notice of appeal.

III. Any party may appear in person or by his agent or attorney at the hearing of an appeal.

IV. The cost of advertising and costs of mailing the notices of hearing shall be payable by the person making the appeal prior to the hearing.

Amendment adopted.

Ordered to third reading.

#### **HB 390**

providing for the care and treatment of children with end-stage kidney disease and making an appropriation therefor. Ought to pass with amendment. Rep. Helen F. Wilson for Public Health and Welfare.

This bill provides for a program of care and treatment for kidney disease. Recipients of the transplantation of dialysis provided under the program will be children under the age of eighteen. Reimbursement by the families will be generally limited to the sum of their available medical insurance and five percent of their adjusted gross income, less the cost of medical insurance premiums. The sum of one hundred thousand dollars is appropriated for fiscal year 1974 and the same amount for fiscal year 1975, in order to carry out this program.

#### **AMENDMENT**

Amend RSA 137-A:1 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

137-A:1 Purpose. The purpose of this chapter is to insure that children in the state of New Hampshire under the age of



eighteen who suffer from chronic kidney disease will have available to them the necessary life-saving care and treatment for such disease.

Amend RSA 137-A:2 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

137-A:2 Responsibility of the State. The responsibility of this program is vested in the director of the bureau of crippled children's services, division of public health services, subject to the supervision and direction of the director of the division of public health.

Amendment adopted.

Referred to Appropriations.

#### **HB 391**

relative to abolishing sterilization of epileptics. Ought to pass. Rep. Daniell for Public Health and Welfare.

This bill abolishes the involuntary sterilization of epileptics who are inmates at state and county institutions.

Ordered to third reading.

#### **HB 423**

relative to the board of examiners of nursing home administrators. Ought to pass. Rep. Helen F. Wilson for Public Health and Welfare.

This bill provides that members of the board of examiners of nursing home administrators which are not institutional members shall have no direct financial interest in any nursing home.

Ordered to third reading.

#### **HB 123**

providing for the acquisition of the Kelley Falls dam and water rights. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

This bill completes operations necessitated by the Biron Bridge project in Manchester.

Referred to Appropriations.

**HB 273**

to prohibit motorboats using petroleum products as a propellant, from using the waters of Eastman or Anderson ponds. Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Committee felt this bill premature, as best use of these ponds has yet to be determined.

Resolution adopted.

**HJR 8**

appropriating funds to the Water Resources Board for an erosion control project in Charlestown. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Erosion control project on Connecticut River, with federal aid, protecting sewage disposal facilities.

Referred to Appropriations.

**HB 134**

relative to fees for fishing and hunting. Majority: Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

Minority: Ought to pass with amendment. (Reps. Scott, Tuttle and Patrick).

Majority: Revises hunting and fishing license fees, both resident and non-resident licenses included. Increased income to the department is necessary.

Minority: Improves department's financial position in order to provide quality sports and sportsmen's responsibility.

Rep. Patrick moved that the report of the minority, ought to pass with amendment, be substituted for report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Rep. Chamberlin spoke against the motion.

(discussion)

Reps. Tuttle, George I. Wiggins and Gemmill spoke in favor of the motion.

Reps. Oleson, Maynard, T. Anne Webster, Hunt and William P. Boucher spoke against the motion.

Rep. Boisvert moved the previous question on the pending motion.

Sufficiently seconded.

Adopted.

Question being on the motion of Rep. Patrick to substitute report of the minority for the report of the majority.

It being manifestly in the negative, the motion lost.

Question being on the adoption of the report of the majority.

A division was requested.

Rep. Bednar challenged the vote and requested a recount.

152 members having voted in the affirmative and 151 in the negative, the amendment was adopted.

A roll call was requested by Rep. T. Anne Webster.

Sufficiently seconded.

## ROLL CALL

YEAS 162      NAYS 167

### YEAS

#### CARROLL COUNTY:

Cox, Davis, Esther M., Chase.

#### CHESHIRE COUNTY:

Johnson, Edward A., Stevens, Anthony, Ladd, Whipple, Savage, Gordon, Anne B., Turner, Heald, Cleon E., Streeter, Close, Scranton.

#### COOS COUNTY:

Huggins, Patrick, Bushey, Hunt, Burns, Richardson, Mabel L., Kidder, Victor L., Oleson, Fortier, Valliere, Pryor, Gagnon.

#### GRAFTON COUNTY:

Chamberlin, Fimlaid, Jones, Anthony K., Mann, Ezra B., Anderson, Fayne E., Altman, Warren, Roger K., Gemmill, Bell, Webb, Copenhaver, Nutt, Eaton, Myrl R., Merrill, Townsend, Madeline G.

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Thomson, Harold E., Fletcher, Messina, Perkins, Arnold B., Harvell, Van Loan, Bragdon, Brown, G. Winthrop, Spalding, Kenneth W., Langdell, Boyd, Hall, Carswell, Bergeron, Polak, Smith, Leonard A., Record, Trombly, Winn, John T., Winn, Cecila L., Lachance, Gabriel, Wilcox, Zachos, Montplaisir, Murphy, Smith, Craig, D., Shea, Clancy, Conway, Sullivan, Mary J., Healy, George T., Gillmore, Martineau.

## MERRIMACK COUNTY:

Thompson, Arthur E., Sherman, Parker, Harry C., Boucher, Laurent J., Enright, Bartlett, Perkins, John B., Cushman, Mat-tice, Wiggins, Elmer S., Humphrey, James A., Daniell, Fisher, Cate, Haller, Andersen, Chris K., McLane, Newell, Underwood, Rich, Harriman, Wilson, Ralph W., Woodward, Hager.

## ROCKINGHAM COUNTY:

Stimmell, Skinner, Thibeault, George J., Barka, Gay, Gor-man, MacGregor, Campbell, Goff, Elizabeth E., Roy, Vesta M., Sayer, Stevens, William J., Tuttle, Webster, Clarence L., White, Sanborn, Simard, Rogers, Casassa, Parr, Collishaw, Eastman, Page, Scamman, Simmons, Stevens, Elliot A., Greene, Ham-mond, Lockhart, Maynard, Palfrey, Griffin, Connors, Hodgdon.

## STRAFFORD COUNTY:

Dudley, Plumer, Tirrell, Hebert, Meserve, Thompson, Barbara C., Leighton, O'Connor, Roderick H.

## SULLIVAN COUNTY:

Townsend, Sara M., Barrus, Buckley, Tucker, Brodeur, Lewko, Scott, Frizzell, Olden, Wiggins, George I., Williamson.

## BELKNAP COUNTY:

French, Matheson, Nighswander, Wuelper, Bowler, Rob-erts, George B., Twigg, Hildreth, Pierce.

## NAYS

## CARROLL COUNTY:

Howard, Donald K., Duprey, Conley, Davis, Dorothy W., Allen, Webster, T. Anne.

## CHESHIRE COUNTY:

Galloway, Yardley, Milbank, Helie, Wayne E., Nims, Drew.

**COOS COUNTY:**

Metcalf, Desilets, Brungot, Lemire, George, E., Theriault.

**GRAFTON COUNTY:**

Curran, Gallen, Tilton, Bradley, Richard L. Clark, Buckman, Harrison, Krainak, Chambers, Duhaime.

**HILLSBOROUGH COUNTY:**

Withington, Cary, Murray, Fred E., Karnis, Eaton, Clyde S., Heald, Philip C., Warren, E. George, Colburn, Carter, Colburn, Dwyer, Lint, Lyons, Alukonis, Bednar, Nutting, Currier, Seamans, Ethier, McLaughlin, Rock, Parker, Gerry F., Woodruff, Cote, Margaret S., Charest, Desmarais, Lefebvre, McGlynn, Migneault, Aubut, Boisvert, Chasse, Romeo A., Mason, Ouellette, Coutermarsh, Erickson, Lebel, Milne, Ackerson, Spirou, Bruton, Cote, Joseph L., Barrett, William F., Dupont, Healy, Daniel J., Gardner, Beaulieu, Champagne, Gelinas, MacDonald, O'Neil, Dortha M., Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., Vachon, Lynch, Sweeney, Lemire, Armand R., Levasseur, Allard, Bernier, Lambert, Lesmerises.

**MERRIMACK COUNTY:**

Kidder, William F., Bigelow, Chandler, Deoss, Hanson, Rice, Gamache, Gordon, George E., Plourde, Thompson, Doris L., Jones, H. Gwendolyn, Tarr.

**ROCKINGHAM COUNTY:**

King, Benton, Davis, Roy W., Boucher, William P., Kashulines, Read, Senter, DeCesare, Southwick, Spollett, Cummings, Vey, Erler, Goodrich, Schwaner, Tavitian, Akerman, Cunningham, Brown, Benjamin A., Sewall, Twardus, Ellis, Splaine, Cotton, Dame, McEachern, Joseph A., Call, Woods, McEachern, Paul.

**STRAFFORD COUNTY:**

Dawson, Harvey, Rowell, Joncas, Bouchard, Mallomian, Chasse, Peter N., Tanner Tibbetts, Ruel, Winkley, LaRoche, Sylvain, Preston, Tripp, Bernard, Donnelly, Kincaid, Parnagian, Richardson, Harriett W. B., Peabody, Pray.

**SULLIVAN COUNTY:**

Rousseau, Roy, Mary R., Spaulding, Roma A., Burrows, D'Amante, Saggiotes.



## BELKNAP COUNTY:

Lawton, Roberts, Charles B., Hood, Randlett, Sabbow, Maguire, Murray, James W.

and the amendment lost.

Rep. T. Anne Webster moved that HB 134 be indefinitely postponed and spoke in favor of the motion.

Adopted.

## RECONSIDERATION

Rep. Zachos moved reconsideration on HR 6, requesting an advisory opinion from the Supreme Court relative to the constitutionality of House Bill 24.

Reps. Sayer and Coutermarsh spoke in favor of the motion.

Adopted.

Rep. Zachos moved that HR 6 be recommitted to the committee on Ways and Means.

Adopted.

(Deputy Speaker in the Chair)

**HB 207**

providing annual salaries for members of the county convention; membership of state senators; abolishing legislative mileage; and providing for regular mileage paid state employees. Inexpedient to legislate. Rep. Benton for Municipal and County Government.

The fact that senator districts overlap two or three counties would invalidate the membership of a Senator as a member of the county convention of the county in which the Senator resides.

The committee agreed that legislators were in fact worth far more than the present compensation, but felt that the legislature should not vote itself a pay raise which would place a heavy financial burden on the counties.

Increased compensation and mileage of convention and executive committee members, meeting when the House is not in session, is covered in HB 163, reported in the House on March 1.

The present travel allowance to and from Concord was felt to be appropriate until such time as there is an increase in legislative compensation.

Rep. Merrill moved that HB 207 be referred to the committee on Municipal and County Government with instructions to report by December 1, 1974 and spoke in favor of the motion.

Reps. Benton, Chandler and Daniell spoke against the motion.

Reps. Brungot, Rich and Chris K. Andersen spoke in favor of the motion.

A division was requested.

130 members having voted in the affirmative and 162 in the negative, the motion failed.

Resolution adopted.

### **HB 193**

requiring open vehicles to be covered when carrying particulate material. Majority: Inexpedient to legislate. Rep. D'Amante for Transportation. Minority: Ought to pass. (Reps. James W. Murray, Sanborn, Cary, Akerman, Lebel and Meserve)

Majority feels that the spillage law now in the RSA takes care of this problem.

Rep. James W. Murray moved that HB 193 be made a special order for Tuesday next and spoke in favor of the motion.

Adopted.

### **HB 400**

removing the state motto from the license plates of non-commercial vehicles. Inexpedient to legislate. Rep. Hamel for Transportation.

Committee feels the state motto should remain on our license plates.

Rep. Cushman moved that HB 400 be made a special order for Thursday next and spoke in favor of the motion.

A division was requested.

It being manifestly in the negative, the motion failed.

Rep. Cushman moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

The clerk read the amendment in full.

Rep. Cushman spoke in favor of the motion.

Reps. Hamel, Lawton, Gay and Twigg spoke against the motion.

Reps. Messina and Daniell spoke in favor of the motion.

(discussion)

Reps. Hager, Gardner, Rich and Haller spoke in favor of the motion.

Rep. Elmer L. Johnson spoke against the motion.

Rep. Stevenson moved the previous question on the amendment as offered by Rep. Cushman.

Sufficiently seconded.

Adopted.

Question being on the Cushman amendment.

A division was requested.

It being manifestly in the negative, the motion lost.

Rep. Dupont moved that HB 400 be indefinitely postponed and spoke in favor of the motion.

Adopted.

Reps. Lint, Dudley, Underwood, Hildreth, Gerry F. Parker II, Dortha M. O'Neil, Roderick H O'Connor, Webb, Buckley, William J. Stevens, Plumer, Shea, McLane, Splaine, Cushman, Rich, Hall, Alden, Bergeron, DeCesare, Nutting, Leonard A. Smith, Haller and Messina wish to be recorded in favor of HB 400.

Rep. Brungot wishes to be recorded in favor of the Cushman amendment to HB 400.

Rep. T. Anne Webster wishes to be recorded in favor of indefinite postponement of HB 400.

Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by captions only, and when the House adjourns, it adjourn to meet tomorrow at 11 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HJR 13, making an appropriation to the New Hampshire Hospital Auxiliary.

HB 391, relative to abolishing sterilization of epileptics.

HB 423, relative to the board of examiners of nursing home administrators.

HB 348, relative to notice of hearing by zoning board of adjustment.

HB 345, relative to licensing and restraining dogs.

### RESOLUTIONS

Rep. Vachon for the Manchester Delegation offered the following:

*Whereas*, we have learned with sorrow of the death of Charles Daniel, former Senator and Representative from Manchester, and

*Whereas*, Charles Daniel served his community faithfully and with honor, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Charles Daniel, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

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Consent Calendar Day Wednesday, March 14th.

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On motion of Rep. Joseph M. Eaton the House adjourned at 5 p.m.

*Wednesday, 14Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**We Pray, O Lord**, for ourselves and our needs, for all our fellowmen. For those who live in our town, our city, for our neighbors and acquaintances and for everyone we know, for our good friends. We also try to pray, God, for those for whom we feel no sympathy, for those whom we avoid, for those we cannot love, for our enemies. Amen.

**PLEDGE OF ALLEGIANCE**

Rep. Elmer L. Johnson led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Rep. Helen F. Wilson, the day, illness.

Rep. Griffin, today and tomorrow, illness.

Reps. Tuttle, McDonough, Meserve and Wayne Helie, the day, important business.

Reps. Nardi and Ineson, today and tomorrow, important business.

**COMMITTEE ASSIGNMENT**

Rep. Bowler to Environment and Agriculture.

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Consent Calendar Day Wednesday, March 21.

**COMMITTEE REPORTS****HB 359**

relative to the limitations on the loaning authority of Co-operative Banks, Building and Loan Associations, and Savings and Loan Associations. Ought to pass. Rep. Deoss for Banks and Insurance.



Housekeeping bill raises loan limits from \$25,000 to \$30,000 due to inflation.

Ordered to third reading.

**HB 295**

amending the charter of the city of Claremont relative to compensation for the mayor and city council. Inexpedient to legislate. Rep. Burrows for Claremont Delegation.

Delegation felt that it was not ready for the move to pay.

Resolution adopted.

**HB 313**

providing for the withdrawal of the town of Bedford from the Supervisory Union No. 26. Inexpedient to legislate. Rep. Hager for Education.

Bill was withdrawn, by letter, by sponsor.

Resolution adopted.

**HB 389**

increasing certain penalties for forest fire violations. Ought to pass with amendment. Rep. Colburn for Environment and Agriculture.

Increases penalties, puts language into conformity with the new criminal code and defines "woodlands."

AMENDMENT

Amend the bill by striking out section 4 of same and inserting in place thereof the following:

4 Woodland Defined. Amend RSA 224:32, as amended, by striking out said section and inserting in place thereof the following:

224:32 Prohibiting Smoking or Kindling of Fires. The governor upon recommendation of the state forester, when there is danger of starting fires in the woodlands of the state due to a period of protracted drought or excessive dryness which requires extraordinary precautions, may, with verbal approval of the council, by official proclamation, prohibit smoking in or near woodland and prohibit the kindling of any open fire in or near woodland in any or all parts of the state for such time as they

may designate. Woodland includes cut-over land, slash, and such other land as bears a sufficient amount of wood growth, wood, weeds, grass or other growth as likely to be burned over. Any person violating the provisions of this section shall be fined not more than twenty-five dollars if the offense occurs before November 1, 1973 or shall be guilty of a violation if the offense occurs on or after November 1, 1973.

Amendment adopted.

Ordered to third reading.

**HB 421**

relative to the appraisal of and payment for diseased animals after their condemnation. Ought to pass. Rep. Greene for Environment and Agriculture.

Updates evaluation of condemned diseased animals and simplifies procedure for payment.

Ordered to third reading.

**HB 426**

defining "woodlands" for clarification of forest fire control purposes. Inexpedient to legislate. Rep. Colburn for Environment and Agriculture.

Covered by HB 389.

Resolution adopted.

**HB 339**

providing for voluntary sterilization of certain welfare recipients in consideration of an incentive award and making an appropriation therefor. Inexpedient to legislate. Rep. Theriault for Judiciary.

Provides a \$1000 incentive to welfare recipients who submit to sterilization.

Resolution adopted.

**HB 163**

relative to the compensation to be paid members of the Coos, Rockingham, Merrimack, and Grafton county convention. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Permissive legislation which allows members of county del-

egations, executive committees and sub-committees to receive up to \$15 per day and 12 cents per mile, when voted by county delegation.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the compensation paid to  
members of county conventions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Additional Compensation for County Conventions. Amend RSA 24:9-ee (supp), as inserted by 1969, 491:9, as amended, by striking out said section and inserting in place thereof the following:

24:9-ee Compensation for County Conventions. Notwithstanding the provisions of section 9-e to the contrary, members of each county convention may receive from the county treasury a sum not to exceed fifteen dollars per day for actual attendance at meetings of their respective conventions and twelve cents a mile for travel to and from the place of meeting upon a vote of approval of the respective county convention. They are not entitled to receive any compensation or mileage for attending such meetings when such meetings are held at the state house in Concord on a legislative day.

2 Compensation for Committees. Amend RSA 24:9-f as inserted by 1961, 199:1 by striking out said section and inserting in place thereof the following:

24:9-f Meetings of Committees. Either the chairman of the convention or the chairman of the executive committee may call meetings of the executive committee to be held at any time either at the state house in Concord or at any place within the respective county. The members of the executive committee shall be entitled to the same compensation and travel expenses for actual attendance at such meetings as is provided for attendance at meetings of the convention of said county; members of subcommittees, study committees and committees of investi-

gation may receive such compensation as determined by their respective county conventions for the discharge of their official business plus twelve cents a mile for travel to and from the place of meeting; said sums to be paid from the county treasury, provided that no such compensation and expenses shall be allowed when such meeting is held at the state house in Concord.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### **HB 343**

relative to the disposal of dog license fees. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Provides for a better utilization of funds collected from licensing of dogs.

### **AMENDMENT**

Amend RSA 466:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

466:5 Disposal of Fees. All monies arising from the licensing of dogs, which is not due to holders of orders given for loss of or damage to domestic animals by dogs, shall be used for the purchase of dog tags and forms necessary for licensing dogs and may be used for the payment of the dog officer's fee. Any remaining monies shall be for the use of the town or city.

Amendment adopted.

Ordered to third reading.

### **HB 357**

relative to officers and employees in county government holding elective office in the legislature. Inexpedient to legislate. Rep. G. Winthrop Brown for Municipal and County Government.

The committee felt that there was no present requirement for such legislation.

Resolution adopted.

**HB 370**

relative to the appointment and removal of medical referees by the county commissioners. Ought to pass. Rep. Randlett for Municipal and County Government.

Present system imposes a burden on governor and council; appointment of referees could be more easily performed by county commissioners, who would have better knowledge of availability of medical personnel in their county.

Ordered to third reading.

**HB 419**

relative to votes of confidence in town or city managers. Inexpedient to legislate. Rep. Timothy K. O'Connor for Municipal and County Government.

Voters have long since expressed their reaction to the performance of duty of city or town managers, without the necessity of waiting for a biennial election ballot.

Resolution adopted.

**HB 449**

relative to the establishment of reserve funds. Ought to pass. Rep. Hebert for Municipal and County Government.

Legislation which will permit a smoother and more efficient transition from calendar to fiscal year.

Ordered to third reading.

**HB 263**

repealing the statute relative to sewage disposal systems on islands. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Repeals a superseded statute, RSA-C (supp) , now included in RSA 149-E (supp) .

Ordered to third reading.

**HCR 8**

memorializing Congress to provide for the uniform opening and closing of all polls in presidential elections. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Considered impractical.

Resolution adopted.



**HB 294**

to require seat belts on amusement rides at carnivals, fairs and parks such as ferris wheels, rides called the whip or hammer and other similar or like rides. To be laid on the table. Rep. Hamel for Transportation.

There is a more inclusive bill being drafted which should be acted on before this one.

Laid on table.

**HB 324**

relative to the implied consent of chemical testing of blood of boat operators or pilots who operate boats upon the public waters of the state of New Hampshire. Inexpedient to legislate. Rep. Hamel for Transportation.

Unworkable because boat operators are not licensed.

Resolution adopted.

**HB 340**

relative to the use of seat belts in motor vehicles. Inexpedient to legislate. Rep. Hamel for Transportation.

While the intent is good, it would not be an enforceable law.

Resolution adopted.

**HB 360**

prohibiting motorists from picking up pedestrians on a limited access highway. Inexpedient to legislate. Rep. Hamel for Transportation.

Committee feels the present law on hitch-hiking is satisfactory.

Resolution adopted.

**HB 406**

prohibiting the operation of snow traveling vehicles during the daylight hours of the deer and bear season. Inexpedient to legislate. Rep. Hamel for Transportation.

HB 10 and the Fish and Game laws cover this adequately.

Resolution adopted.

Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of

bills be by title only and resolutions by caption only, and when the House adjourns, it adjourn to meet tomorrow at 11 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HB 359, relative to the limitations on the loaning authority of Cooperative Banks, Building and Loan Associations, and Savings and Loan Associations.

HB 389, increasing certain penalties for forest fire violations.

HB 421, relative to the appraisal of and payment for diseased animals after their condemnation.

HB 163, relative to the compensation paid to members of county conventions.

HB 343, relative to the disposal of dog license fees.

HB 370, relative to the appointment and removal of medical referees by the county commissioners.

HB 449, relative to the establishment of reserve funds.

HB 263, repealing the statute relative to sewage disposal systems on islands.

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On motion of Rep. Hammond the House adjourned at 11:30 a.m.

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### *Thursday, 15Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O blessed Patrick, as we approach Your feast day, we direct our prayers to You. Obtain for us the blessing of Almighty God that we may enact fair laws and promote good government in every way possible for our beloved State. Amen.

### PLEDGE OF ALLEGIANCE

Whereas, today is the birthday of President and General Andrew Jackson;

*Whereas*, General Jackson commanded the American forces at the battle of New Orleans in 1815, and

*Whereas*, Rep. Benton's regiment, the 7th Infantry "cotton-balers" fought under General Jackson at New Orleans,

*Therefore*, it is appropriate that Rep. Benton lead the Pledge to the Flag today.

Rep. Benton led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Rep. Langdell, the day, important business.

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 580 through 606 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's

First, second reading & referral

HB 580, relative to jury trials of minor offenses. (Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 581, relative to zoning for mobile homes. (Merrill of Grafton Dist. 14 — To Municipal and County Government.)

HB 582, amending the appropriation for the Winnepesaukee River Basin pollution control program. (Roberts of Belknap Dist. 4; French of Belknap Dist. 1; Randlett of Belknap Dist. 8 — To Resources, Recreation and Development.)

HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director. (Heald of Hillsborough Dist. 5 — To Environment and Agriculture.)

HB 584, requiring municipalities to provide unemploy-

ment compensation for all permanent employees. (McDonough of Hillsborough Dist. 29 — To Municipal and County Government.)

HB 585, providing for changing unclassified to classified positions for three of the industrial agents in the division of economic development. (Twigg of Belknap Dist. 4 — To Executive Departments and Administration.)

HB 586, providing for unemployment compensation dependency payments. (O'Connor of Strafford Dist. 15 — To Labor, Human Resources and Rehabilitation.)

HB 587, permitting John P. McGee to receive retroactive credit with City of Portsmouth Employee Retirement System. (McEachern of Rockingham Dist. 23 — To Special Committee on Portsmouth Delegation.)

HB 588, relative to direct sale of farm products to the consumer. (Bradley of Grafton Dist. 5 — To Statutory Revision.)

HB 589, relative to a permanent clam license for elderly citizens. (Hunt of Coos Dist. 2 — To Fish and Game.)

HB 590, providing that a portion of hunting license revenue shall be used for stocking wild rabbits, hares and game birds. (Maynard of Rockingham Dist. 18 — To Fish and Game.)

HB 591, amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two-year terms. (LaRoche of Strafford Dist. 11; Ineson of Strafford Dist. 9 — To Special Committee on Rochester Delegation.)

HB 592, increasing the transfer tax share retained by registers of deeds. (Mann of Grafton Dist. 6 — To Municipal and County Government.)

HB 593, relative to shortening the standard workweek to thirty-two hours. (McDonough of Hillsborough Dist. 29; Nims of Cheshire Dist. 15 — To Labor, Human Resources and Rehabilitation.)

HB 594, providing a basis for the distribution of federal revenue sharing funds. (Sweeney of Hillsborough Dist. 34 — To Ways and Means.)

HB 595, prohibiting the use of welfare funds for other than basic essential items. (Chandler of Merrimack Dist. 3 — To Public Health and Welfare.)

HB 596, providing for regulation of franchise agreements for the sale of gasoline. (MacDonald of Hillsborough Dist. 32 — To Statutory Revision.)

HB 597, prohibiting any community from banning the sale of phosphate detergents. (Knight of Hillsborough Dist. 8 — To Public Health and Welfare.)

HB 598, relative to misuse of special circumstance welfare grants. (Gordon of Merrimack Dist. 7 — To Public Health and Welfare.)

HB 599, amending the zoning authority of Kearsarge Lighting Precinct to include the town of Bartlett. (Howard of Carroll Dist. 1 — To Municipal and County Government.)

HB 600, permitting the expenditure of the full amount of state 1973 appropriations for vocational rehabilitation even though estimated federal funds are not available. (Rules Committee for: Rep. Zachos of Hillsborough Dist. 25; Rep. Coutermarsh of Hillsborough Dist. 24 — To Appropriations.)

HB 601, relative to scholarships for orphans of veterans of the Southeast Asian conflict. (Whipple of Cheshire Dist. 4; Tarr of Merrimack Dist. 17 — To Education.)

HB 602, relative to changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe. (Allen of Carroll Dist. 5 — To Resources, Recreation and Development.)

HB 603, relative to sale of ice cream by weight. (Keefe of Rockingham Dist. 23 — To Statutory Revision.)

HB 604, exempting ambulances from being required to pay tolls while on emergency calls. (Meserve of Strafford Dist. 7 — To Public Health and Welfare.)

HB 605, relative to changing the open season on fisher. (Nims of Cheshire Dist. 15 — To Fish and Game.)

HB 606, relative to abortion. (Pierce of Belknap Dist. 7; Zachos of Hillsborough Dist. 25; Copenhaver of Grafton Dist. 13 — To Public Health and Welfare.)



## EXTENSIONS

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 305, enacting a code of ethics for the state.

Granted.

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 14, establishing a maximum thirty day residency requirement for voting.

Granted.

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 286, relative to the taking of clams from the ocean waters of New Hampshire.

Granted.

## VACATE

Rep. French moved that the House vacate the reference of HJR 38, appropriating supplementary funds for certain retirees from the university of N. H. to the committee on Education and re-refer said Resolution to the committee on Executive Departments and Administration.

Adopted.

## SUSPENSION OF RULES

Rep. Collishaw moved that the rules of the House be so far suspended as to allow the granting of an extension not later than April 14th to the committee on Liquor jointly with Resources, Recreation & Development on HB 281, relative to the sale of liquor at non-state owned ski areas.

Adopted by the necessary two-thirds.

## SUSPENSION OF RULES

Rep. Joseph M. Eaton moved that the rules of the House be so far suspended as to allow the granting of an extension not later than May 1st to the committee on Constitutional Revision on HB 336, providing for the calling of a Constitutional Convention.

Adopted by the necessary two-thirds.

## COMMUNICATIONS

The Honorable James E. O'Neil  
Speaker of the House of Representatives

Dear Jim:

I wanted to acknowledge the receipt of the Senate Concurrent Resolutions regarding the pass through of the Social Security increase and the changing of the holiday dates of Memorial Day and Veterans Day. The Resolutions have been presented to the Senate and have been referred to the Committees on Finance and Judiciary, respectively.

The solid support of the General Court is most welcome in both of these difficult matters that I know are of real and deep concern to the people of New Hampshire. You may assure the Members of the Senate and House of Representatives that I share their concerns, and will continue my own efforts to assure our elderly a decent retirement while continuing to resist meddling with our national holidays.

My best to you always,

Norris Cotton  
U. S. Senator

The Honorable James E. O'Neil  
Speaker of the House of Representatives

Dear Jim:

Thanks for sending me the Resolution on the need for Congress to enact legislation to prevent reductions in welfare assistance and veterans' pensions when Social Security benefits are increased.

As you can see from the enclosed, I used it on the Senate floor yesterday.

I was very pleased to see that you join me in my concern over this problem. Hoping we can work together.

Thomas J. McIntyre  
United States Senator

The clerk read the communications in full.

## COMMITTEE REPORTS

**HB 327**

permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations. Ought to pass with amendment. Rep. Deoss for Banks and Insurance.

Allows state chartered financial institutions to have service corporations.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Organization and Participation Authorized. Amend RSA 384:16-b (supp) as inserted by 1965, 92:1, as amended, by striking out said section and inserting in place thereof the following:

384:16-b Service Corporations.

I. Any state or federally chartered bank or association doing business in New Hampshire may organize and purchase the capital stock, obligations or other securities as well as to participate, invest in and utilize the services of a corporation formed to provide services compatible with the purposes, powers and duties of any of the named financial institutions. Such service corporations may also provide mechanical, clerical, and record keeping services for other corporations, persons or governmental units subject to the approval of the bank commissioner. Notwithstanding any contrary provision of law relating to investments by such a financial institution, any such financial institution, may at any time have outstanding investments in such a service corporation not exceeding ten percent of its savings deposits or capital funds, whichever may be greater.

II. Provided however, that any contrary provision of law notwithstanding, and with the exception of federally chartered banks or associations authorized by federal law or regulation to engage in such activities, no bank or association shall directly or indirectly engage in real estate brokerage activities; travel, lodging, accommodation or so called "travel bureau" activities; the sale or servicing of policies of property or casualty insurance; insurance consulting activities, or performance of any other activity as insurance agents or brokers requiring the issuance of a

license pursuant to RSA 401 or RSA 405; nor shall any such bank or association directly or indirectly organize, purchase, participate, invest in, or utilize, a corporation or other entity engaged in the above-named activities.

Amendment adopted.

Ordered to third reading.

### HB 408

providing for insurer notification to employee under group or blanket accident and health insurance policy that premium is not remitted. Ought to pass with amendment. Rep. Burrows for Banks and Insurance.

Tightens up group insurance laws.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Insurer Notification to Employee Required. Amend RSA 415:18, I (d), by striking out said paragraph and inserting in place thereof the following:

(d) A provision that all premiums due under the policy shall be remitted by the employer or employers of the persons insured or by some other designated person acting on behalf of the association or group insured, to the insurer on or before the due date thereof, with such grace as may be specified therein. If for any reason the employer or designated person acting on behalf of the group insured, does not remit the premium due, the insurer shall notify the employees covered, in writing, at least ten days before the expiration of the coverage, that the premium has not been remitted.

Amendment adopted.

Ordered to third reading.

### HJR 7

in favor of George T. Ellis of Concord. Ought to pass. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

This resolution reimburses Mr. Ellis in the amount of \$174 for damages sustained from shingles being blown off the

roof of a building located on the State Military Reservation.

Rep. White explained the resolution.

Ordered to third reading.

## HCR 6

to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools. Ought to pass with amendment. Rep. Joncas for Constitutional Revision.

Not unanimous but the committee felt that the overwhelming testimony in favor of this resolution warranted consideration by the House as a whole. The amendment provides that this would be the only question considered if a United States Constitutional Convention is called to consider this amendment.

## AMENDMENT

Amend the resolution by inserting after paragraph III the following new paragraphs:

IV. That since this is an exercise by a state of the United States of a power granted to it under the Constitution, the request is hereby made that the official journals and records of both Houses of Congress, shall include the resolution or a notice of its receipt by the Congress, together with similar applications from other states, so that the Congress and the various states shall be apprised of the time when the necessary number of states shall have so exercised their power under Article V of the Constitution;

V. That since this method of proposing amendments to the Constitution has never been completed to the point of calling a convention and no interpretation of the power of the states in the exercise of this right has ever been made by any court or any qualified tribunal, if there be such, and since the exercise of the power is a matter of basic sovereign rights and the interpretation thereof is primarily in the sovereign government making such exercise and since the power to use such right in full also carries the power to use such right in part, the Legislature of the State of New Hampshire interprets Article V to mean that



if two-thirds of the states make application for a convention to propose an identical amendment to the Constitution for ratification with a limitation that such amendment be the only matter before it, that such convention would have power only to propose the specified amendment and would be limited to such proposal and would not have power to vary with the text thereof nor would it have power to propose other amendments on the same or different propositions;

VI. That the Legislature of the State of New Hampshire does not, by this exercise of its power under Article V, authorize the Congress to call a convention for any purpose other than the proposing of the specific amendment which is a part hereof, nor does it authorize any representative of the State of New Hampshire who may participate in such convention to consider or to agree to the proposing of any amendment other than the one made a part hereof;

VII. That by its actions in these premises, the Legislature of the State of New Hampshire does not in any way limit in any other proceeding its right to exercise its power to the full extent;

VIII. That the Congress, in exercising its power of decision as to the method of ratification of the proposed article by the legislatures or by conventions, is hereby requested to require that the ratification be by the legislatures.

Amendment adopted.

Ordered to third reading.

#### CACR 7

relating to the number of jurors required in civil cases in the superior court and the kind of verdicts required to prevail. Providing that at the superior court level, jury verdicts in civil cases require at least a nine out of twelve verdict. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee feels this resolution has merit but that it should be considered in conjunction with other jury reform proposals at the Constitutional Convention.

Resolution adopted.

#### HB 439

abolishing compulsory immunization of school children. Majority: Inexpedient to legislate. Rep. Rock for Education. Minority: Ought to pass. (Rep. Horan)

Majority: The committee did not feel this bill was in the best interest of the health and welfare of the children of our state.

Minority: Immunization should be voluntary.

Rep. Messina moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Reps. William P. Boucher, Elizabeth E. Goff, Richard L. Bradley and French spoke against the motion.

(discussion)

Reps. Chris K. Andersen, Metcalf and Horan spoke in favor of the motion.

Rep. Pierce moved the previous question on the pending motion.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

Rep. Lawton moved that HB 439 be indefinitely postponed.

Adopted.

#### **HB 319**

providing for the reimbursement of landowners for damages done by beavers directly or indirectly. Inexpedient to legislate. Rep. E. George Warren for Fish and Game.

Beaver problems can be taken care of by existing law in most instances. This bill would not solve the problem of beaver damage.

Resolution adopted.

#### **HB 373**

relative to taking lobsters and crabs from navigable channels in the tidal waters of the state of New Hampshire. Inexpedient to legislate. Rep. Scott for Fish and Game.

Existing laws cover part of this bill. Further restrictions on the fishing industry is not necessary.

Resolution adopted.

### RECONSIDERATION

Rep. Stevenson moved reconsideration on HR 8, regarding the impounding of federal funds.

Reps. George B. Roberts, Jr., Coutermarsh and Daniell spoke in favor of the motion.

Rep. Zachos moved the previous question.

Sufficiently seconded.

Adopted.

Reconsideration adopted.

Rep. Stevenson moved that HR 8 be committed to the Rules Committee.

Rep. George B. Roberts, Jr. and Coutermarsh spoke in favor of the motion.

Adopted.

### RECONSIDERATION

Rep. Coutermarsh moved reconsideration on HR 7, relative to the constitutionality of HB 79, and spoke in favor of the motion.

Rep. Bigelow spoke in favor of the motion.

Reconsideration adopted.

Rep. Coutermarsh offered an amendment to HR 7.

The clerk read the amendment in full.

Rep. Coutermarsh spoke in favor of the amendment.

Rep. Paul MacEachern moved that HR 7 be referred back to the committee for further study.

Reps. Coutermarsh, Bigelow and Spirou spoke in favor of the motion.

Adopted.

## COMMITTEE REPORTS CONTINUED

**HB 276**

to transfer certain costs of the superior court from the counties to the state, and making an appropriation therefor. Ought to pass with amendment. Rep. McManus for Judiciary.

Transfers costs of superior court from the county to the state.

## AMENDMENT

Amend the bill by striking out section two of same and inserting in place thereof the following:

2 Clerk Bonds. Amend RSA 499:2 by striking out in line two the word "county" and inserting in place thereof the following (state), and by inserting in line seven after the word "state" the following (The bond shall be written for the benefit of any person who may be injured by the neglect or misconduct of the court clerk or his deputy. The state treasurer shall pay the premium on the bond upon an order of the superior court.) so that said section as amended shall read as follows:

499:2 Bond. Before entering upon his duties the clerk shall give bond to the state, in such sum as the justices shall direct, with sureties to be approved by them, conditioned for the faithful performance of his duties, for the payment according to law of all money which may come to his hands, and for the safe-keeping and delivery to his successor of the records, files and papers pertaining to his office. The bond shall be lodged with and kept by the secretary of state. The bond shall be written for the benefit of any person who may be injured by the neglect or misconduct of the court clerk or his deputy. The state treasurer shall pay the premium on the bond upon an order of the superior court.

Amend the bill by striking out section 11 of same and inserting in place thereof the following:

11 Compensation of Jurors. Amend RSA 500-A:16 (supp) as inserted by 1971, 456:10 by striking out in line two the word "county" and inserting in place thereof the following (state), so that the section as amended shall read as follows:

RSA 500-A:16 Compensation of Jurors. Grand and petit jurors shall be paid by the state for each day or part of a day

which is spent in actual attendance at court, fifteen dollars each; for travel to and from court each day, each mile ten cents; talesmen shall receive compensation and allowances for travel and expenses in the same manner and amount as grand and petit jurors.

Amend the bill by striking out all after section 14 of the bill and inserting in place thereof the following:

15 Compensation of State's Counsel. Amend RSA 517:14 by striking out said section and inserting in place thereof the following:

RSA 517:14 Compensation of State's Counsel. If a solicitor or the attorney general shall attend the caption of a deposition taken under the provisions of the preceding section he shall receive a reasonable compensation for his services and expenses from the state, after having such account approved by the superior court.

16 Compensation of Auditors. Amend RSA 519:7 by striking out in line four the word "county" and inserting in place thereof the following (state) so that said section as amended shall read as follows:

RSA 519:7 Compensation. The court shall allow a reasonable compensation to the auditor, which shall be paid by the plaintiff, and taxed in his bill of costs, if he recover; but the court may order the fees of auditors to be paid by the state.

17 Compensation of Referees. Amend RSA 519:15 by striking out in line three the word "county" and inserting in place thereof the following (state) so that said section as amended shall read as follows:

RSA 519:15 Compensation. The court shall allow a reasonable compensation to referees for their services and expenses, which shall be paid by the state.

18 Lodging of Jurors. Amend RSA 519:25 by striking out in line five the word "county" and inserting in place thereof the following (state), so that the section as amended shall read as follows:

RSA 519:25 Lodging. Jurors shall not be required to continue their deliberations without sleep and rest later than twelve o'clock in the evening. At that hour, or earlier, under such safe-



guards and conditions as the court may direct, they shall be afforded suitable opportunity for sleep and rest at the expense of the state, for at least eight hours before again taking up their deliberations. No separation for sleep or rest of men and women serving upon any jury shall work a mistrial in any civil or criminal case, if such jury is at all times in charge of a sheriff.

19 Compensation of Expert Witnesses. Amend RSA 522:3 by striking out in lines five and six the word "county" and inserting in place thereof the following (state), so that the section as amended shall read as follows:

RSA 522:3 Compensation of Expert Witnesses. The compensation of each expert witness appointed by the court shall be fixed at a reasonable amount. It shall be paid as the court shall order. The court may order that it be paid by the parties in such proportions and at such times as it shall prescribe, or that the proportion of any party be paid by the state, and that, after payment by the parties or the state or both, all or part or none of it be taxed as costs in the action. The fee of an expert witness called by a party but not appointed by the court shall be paid by the party calling him but shall not be taxed as costs in the action.

20 Appropriation. The sum of four hundred and ninety thousand dollars is hereby appropriated for the period from January 1, 1974, to June 30, 1974, and the sum of nine hundred and eighty thousand dollars is hereby appropriated for the fiscal year ending June 30, 1975. The sums hereby appropriated shall be expended by the state treasurer for the expenses of the clerks of the superior court as provided by this act. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

21 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Referred to Appropriations.

## HB 377

repealing the authority of justices of the peace to sit as special justices in a district court. Ought to pass. Rep. Close for Judiciary.

Repeals authority of justices of the peace to sit as special justices in district court.

Ordered to third reading.

**HB 344**

relative to unlicensed dogs. Inexpedient to legislate. Rep. Bednar for Municipal and County Government.

The committee determined that the present stronger terminology of "kill or cause to be killed" would have the better effect of forcing owners to more promptly license and collar their dog, whereas the weaker and vague terminology of "impound or cause to be impounded" could well result in dogs becoming "long term boarders" of the town.

Rep. Winkley moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

Rep. Benton spoke against the motion.

(discussion)

(Deputy Speaker in the chair)

Rep. Doris L. Thompson moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

**HB 414**

to establish a procedure to repeal historic districts in cities and towns. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Prescribes procedure by which historic districts may be abolished; advertising of two public hearings, followed by insertion of article in warrant of regular or special town meeting, abolishment by vote of two-thirds of local legislative body present and voting.

**AMENDMENT**

Amend the bill by striking out section 1 of same and inserting in place thereof the following:

1 Repeal of Historic Districts. Amend RSA 31 by inserting after section 89-b the following new section:

31:89-bb Abolition of Historic Districts. Any district estab-

lished pursuant to the provisions of this subdivision may be abolished in the following manner: Upon petition of twenty-five voters, the historic district commission shall hold two public hearings at least fifteen days apart on the proposal to abolish the historic district at which citizens shall have an opportunity to be heard. At least fifteen days' notice of the time and place of each such public hearing shall be published in a paper of general circulation in the town or village district and a legal notice thereof shall also be posted in at least three public places in such town or village district. Following the above public hearings, the proposal to abolish an historic district shall be presented for insertion in the warrant of a regular or special town meeting as provided in RSA 39:3. Said historic district shall be abolished upon a vote of two-thirds of the members of the local legislative body present and voting.

Amendment adopted.

Ordered to third reading.

## HB 20

repealing the statutes relative to the carrying of property for hire by motor vehicles. Ought to pass with amendment. Rep. Hamel for Transportation.

Removes the words "public necessity and convenience" from RSA 375-B relating to transporting property for hire. All other requirements remain.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

### AN ACT

removing the requirement of public convenience and necessity for common carriers by motor vehicles.

Further amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Delete Policy of Public Necessity and Convenience. Amend RSA 375-B:1 (supp) as inserted by 1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:1 Declaration of Policy. The business of operating

motor vehicles transporting property for hire on the highways of this state affects the interests of the public. The rapid increase in the number of motor vehicles so operated, and the fact that they are not sufficiently regulated, have increased the dangers and hazards on public highways, and regulation of common carriers and contract carriers as hereinafter defined is necessary to the end that highways may be rendered safer for the use of the general public.

2 Definition; Certificate. Amend RSA 375-B:2, IX (supp) as inserted by 1967, 348:1, by striking out said paragraph and inserting in place thereof the following:

IX. "Certificate" shall mean a certificate issued under the provisions of this chapter by the public utilities commission to a common carrier of property by motor vehicle.

3 Definition; Permit. Amend RSA 375-B:2, XI (supp) as inserted by 1967, 348:1, by striking out said paragraph and inserting in place thereof the following:

XI. "Permit" shall mean a permit issued under the provisions of this chapter by the public utilities commission to a contract carrier of property by motor vehicle.

4 Delete Reference to Exception for Predecessor in Interest. Amend RSA 375-B:4 (supp) as inserted by 1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:4 Common Carrier Certificate and Contract Carrier Permit Required. No person shall engage in the business of operating as a common or contract carrier by motor vehicle of property, as defined in RSA 375-B:2, IV, V, VI, and VII, unless he holds a certificate or permit issued by the commission authorizing such operations. The commission shall issue such certificate or permit without requiring proof that the public convenience and necessity or the public interest will be served by such operation. The application for such certificate or permit shall be decided in accordance with the procedure provided for in RSA 375-B:5 or 7 and such certificate or permit shall be issued or denied accordingly. Pending action on any such application, the continuance of such operation shall be lawful.

5 Delete Reference to the Certificate of Public Convenience and Necessity. Amend RSA 375-B:5, (supp) as inserted by

1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:5 Issuance of Common Carrier Certificate. A certificate shall be issued to any qualified applicant therefor, as defined in RSA 375-B:2, IV, V or VI, authorizing the whole or any part of the operations covered by the application, if it is found that the applicant is fit, willing and able properly to perform the service proposed and to conform to the provisions of this chapter, and the requirements, rules and regulations issued by the commission thereunder, otherwise such application shall be denied.

6 Delete Reference to Public Convenience and Necessity. Amend RSA 375-B:6, I (supp) as inserted by 1967, 348:1, by striking out said paragraph and inserting in place thereof the following:

I. Each certificate issued pursuant to RSA 375-B:5 shall specify the service to be rendered and the routes over which, the fixed termini, if any, between which, and the territory within which, the motor carrier is authorized to operate. The commission may impose upon the exercise of the privileges granted by the certificate, at the time of its issuance or from time to time thereafter, reasonable terms, conditions and limitations, provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to add to his or its equipment and facilities over the routes, between the termini or within the territory specified in the certificate, as the development of the business and the demands of the public shall require.

7 Delete Reference to Public Interest. Amend RSA 375-B:7 (supp) as inserted by 1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:7 Issuance of Contract Carrier Permits. A permit shall be issued to any qualified applicant therefor, as defined in RSA 375-B:2, VII, authorizing in whole or in part the operations covered by the application if it appears from the application or from any hearing held thereon, that the applicant is fit, willing and able properly to perform the service of a contract carrier by motor vehicle, and to conform to the provisions of this chapter and the lawful requirements, rules and regulations of the commission thereunder, otherwise such application shall be denied. The commission shall specify in the permit the business of the



contract carrier covered thereby and the scope thereof and shall attach to it, at the time of issuance, and from time to time thereafter, such reasonable terms, conditions, and limitations consistent with the character of the holder as a contract carrier as are necessary to carry out, with respect to the operations of such carrier, the requirements established by the commission under the provisions of this chapter; provided, however, that no terms, conditions, or limitations shall restrict the right of the carrier to substitute or add contracts within the scope of the permit, or to add to his or its equipment and facilities, as the development of the business may require.

8 Delete Reference to Persons Who Continue In Operation. Amend RSA 375-B:8, (supp) as inserted by 1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:8 Applications for Certificates and Permits. Applications for certificates and permits required in RSA 375-B:4 shall be made in writing to the commission, verified under oath, accompanied by the proper fee, and shall be in such form and shall contain such information as the commission shall by regulation require.

9 Delete Reference to Public Interest. Amend RSA 375-B:16 (supp) as inserted by 1967, 348:1, by striking out said section and inserting in place thereof the following:

375-B:16 Contract Carrier Rates. Whenever any person is engaged in operations as a contract carrier by motor vehicle, as defined in RSA 375-B:2, VII, in competition with any common carrier or common carriers, such contract carrier shall file with the commission the rates, rules or regulations applying to such service; provided, however, that such filing shall not be necessary if property is to be transported for any common carrier when the rates charged the public for the transportation of such property are filed with the commission. No such contract carrier shall charge, demand, exact, receive or collect for any service rendered an amount less than the rates on file with the commission; provided, however, that any such carrier holding a permit may file new rates, rules, and regulations or change the highways over which it gives service by filing notice thereof with the commission.

10 Repeal. RSA 375-B:20, I, (a), (supp) as inserted by

1967, 348:1, relative to the fees for such common carrier applicant, is hereby repealed.

11 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

## SCR 2

memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber. Ought to pass. Rep. Splaine for Ways and Means.

This bill memorializes Congress to retain the present capital gains treatment of income in the cutting and disposal of timber.

Ordered to third reading.

## VACATES

Rep. Noble moved that the House vacate the reference of HJR 30, relative to the purchase of a fire truck for the city of Concord, to Concord Delegation and re-refer said resolution to the committee on Municipal and County Government.

Adopted.

Rep. Frizzell moved that the House vacate the reference of HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor, to the committee on Public Health and Welfare and re-refer said bill to the committee on Judiciary.

Adopted.

## EXTENSION

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 285, relative to the taking of deer and the open season for deer.

Granted.

## RESOLUTIONS

Reps. Colburn and Langdell offered the following:

*Whereas*, we have learned with sorrow of the death of Harold A. Todd, former Representative from New Boston, and

*Whereas*, Harold A. Todd served his community faithfully and with honor, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Harold A. Todd, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### RESOLUTIONS

Reps. Tripp and Preston offered the following:

*Whereas*, we have learned with sorrow of the death of Llewellyn F. Fernald, former Representative from Rochester, and

*Whereas*, Llewellyn F. Fernald served his community faithfully and with honor, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Llewellyn F. Fernald, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### RECESS

### AFTER RECESS

(Speaker in the Chair)

### JOINT CONVENTION

### CAPITAL BUDGET MESSAGE

of

Governor Meldrim Thomson, Jr.

Mr. President, Mr. Speaker, Honorable Members of the General Court:

Pursuant to law, I present to you today the governor's rec-

ommendations for a capital budget for New Hampshire covering the fiscal biennium 1974-75.

First let me remind you that the term capital budget is a misnomer; for in a true sense of the expression, it is no budget at all but a listing of the monies we propose to borrow to make needed purchases of long-range value to the state.

As our selectmen would say, we are by a capital budget authorizing the hiring of money during the ensuing years for long-term amortizations at interest rates of 5 per cent or more.

Last month, I suggested to you an operating budget for the state during fiscal 1974-75 of \$204 million. This would be a balanced operating budget with expenditures being paid from current income.

The capital budget which I submit herewith for your consideration would represent additional state spending above the proposed operating budget.

The amount I suggest for our capital budget is \$27,924,586, which if enacted would be the second highest capital budget in our history.

Our capital budgets for the past ten years have averaged \$23.4 million. The highest of these occurred in 1965 when we authorized borrowing of \$34.6 million.

### *A Word of Caution*

We in New Hampshire find ourselves on the same spending treadmill on which all the governments of America are running.

While our current state spending is presently one of the lower ones in the nation, our long-range indebtedness is among the highest per capita in the country.

We have actually authorized, issued, and have outstanding \$140 million in bonds. We have authorized and not yet issued another \$180 million in bonds.

Thus, our total state indebtedness amounts to \$320 million. With the \$28 million that I recommend in this budget, our total authorized state indebtedness would rise to \$348 million.

This would mean a per capita indebtedness of approxi-

mately \$450 of both authorized and issued, and authorized and unissued, bonds.

It is vital to the future fiscal well-being of our state that we slow down and turn around the abnormal tendency of these times to accelerate government borrowing that must ultimately be repaid in kind or disaster by generations yet unborn.

### *Important Comparisons*

It is important to note where New Hampshire stands on the national scale of per capita state indebtedness.

At this moment, our total per capita debt, issued and unissued, amounts to \$450.

The latest comparative figures for per capita state indebtedness from Tax Foundation, Inc., of New York, show that for fiscal 1971 the average in the United States was \$232.55.

These figures cover only issued state bonds. They do not include unissued authorizations.

On this basis of comparison, Alaska has the highest per capita state indebtedness at \$960.17. Missouri has the lowest with \$30.32.

In 1971, we in New Hampshire had a slightly higher per capita state indebtedness than the rest of the nation with \$235.52. But I must emphasize this was our issued indebtedness. By 1972, we raised this figure to \$450 per capita of all bonds authorized even though half of this authorization had not yet been sold.

All of our neighboring sister states had a higher actual per capita state indebtedness in 1971 than we in New Hampshire.

For example, Maine's per capita indebtedness was \$250.67; that of Massachusetts was \$344.40; and that of Vermont, where several years ago the cow kicked over the bucket of Yankee thrift, the per capita state debt was one of the highest in the nation at \$630.56.

### *Requests for Spending*

Requests for capital spending for fiscal 1974-75 are exceedingly high.

Capital requests from the several departments and agencies



amount to \$79 million. The requests from the University System are for another \$31 million. Finally, a rough estimate of proposed capital expenditures in bills pending accounts for an additional \$61 million.

Thus, you will be asked to consider during this session capital expenditures of about \$171 million, or about eight times the average capital authorization of the past ten years.

### *A Change In Priorities*

Obviously, we cannot meet all of these requests or even a large portion of them.

I was very anxious to hold my capital recommendations to the ten year average of \$23.4. After careful study, I found I could not do this because of what I considered the urgent need for a shift in priorities. Perhaps, hopefully, you can do a better job than I in holding down these capital requests.

During the past ten years we have placed a very low priority on capital improvement requests from the departments and agencies of the state and have given a very high priority to such requests from the University System.

For this period, the University System received almost twice the capital authorization received by all other state agencies combined.

In ten years the University System was given 613 per cent compared to 387 per cent for all other state agencies and institutions.

While we cannot rest on our immediate past efforts on behalf of the University System, I do believe that for this next fiscal biennium we must place a very high priority on the more compelling and long postponed needs of other state agencies.

In our proposed capital budget, we have not neglected the University System. We have simply changed the emphasis for this biennium.

Where formerly we were giving about 60 cents out of every capital dollar to the University System, we are suggesting that for the new biennium this amount be reduced to about 20 cents per dollar. Such a temporary shift in our capital priorities would enable us to give more emphasis to education, to human needs, and sound business investments.

*Our Priorities*

In our proposed capital budget of \$28 million, we strongly urge for your favorable consideration the following priorities.

1. To the University System approximately \$5 million for development of outside facilities and the construction of the first building of the Merrimack Valley Branch.

This facility would serve a growing need for higher educational facilities in our most congested population area.

We recommend deferring for this biennium the requests for five new buildings on the Durham, Plymouth and Keene campuses at about \$16 million.

2. To Health and Welfare we suggest two important capital expenditures. For phase II of their building program, we recommend \$9.8 million; and for the New Hampshire Home for the Elderly at Glencliff, we suggest \$119 thousand to expand facilities and add an urgently needed laundry.

As you know, the state now finds it difficult and costly to provide sufficient rented office space for its large family of employees. We are now spending about \$1 million a year for rental of office quarters — about half of this in Concord.

If we could complete the building program already begun for Health and Welfare, this would greatly help the problem of office space shortage. It would constitute a wise business investment for the state.

3. To the Aeronautics Commission for land acquisition or improvements at Keene, Nashua, North Hampton/Stratham and Lebanon, \$506 thousand.

This is only one-third of the capital expenditures recommended for a biennium in the newly issued report of a New Hampshire airport system plan by Arthur D. Little, Inc.

However, it is much better than we have done in the past and, together with our recommended \$100 thousand in the operating budget, represents a long taxi forward on the runway to improve airport facilities in New Hampshire.

4. To an automotive building for the technical school in Nashua and for a health science building at the technical school in Claremont, we suggest an allocation of \$2 million.

Both of these educational buildings are needed and would add flexibility and strength to our sound vocational-technical school programs.

5. To the Industrial School, we have recommended \$250 thousand as Phase I for the construction of off-campus residential centers.

We received a request for \$1.5 million to build ten such centers. We believe that it would be wise first to try two units and determine how well this new concept in juvenile rehabilitation works.

6. To the Port Authority we suggest capital improvements of \$3 million for an expansion of the docking facilities.

We believe that after a faltering start the Port Authority is now becoming an important economic entity at Portsmouth. With a little more state encouragement, this could become a productive source of revenue for an area of our state that needs a healthy infusion of revenue.

7. To the Divisions of Parks and Resources in DRED, we suggest for park improvements and land acquisition \$1 million.

8. To the Veterans Home, we suggest about \$2 million for an urgently needed new nursing care unit.

We have a growing veterans population. Our current accommodations at the Home are crowded. In the immediate years ahead, we will have increasing demands for nursing help from our New Hampshire veterans of all wars.

It is time that we prepare to render our practical expression of appreciation unto those who gave freely in their youth the full measure of devotion to state and nation.

9. To Water Supply and Pollution Control Commission, \$3.6 million for a regional waste treatment plant in the Winnepesaukee River Basin.

This sum would produce about \$14.5 in federal and local funds for a project already approved by the legislature and now in progress.

These are the major capital priorities that I would leave with you. There are a number of additional suggestions in this proposed capital budget, which with the noted priorities account for our recommendations of a capital budget of \$28 million.

*In Appreciation*

It would not have been possible for me to have prepared the operating and capital budgets without the help of many expert and cooperative officials of government.

I would like to acknowledge publicly my deep gratitude to your colleague, Joe Eaton, who gave freely of his time and knowledge. I am also deeply indebted to the Comptroller, Jack Flanders, his assistant, Arthur Fowler, and their several aides.

I praise them for all that you might find good in these two budgets. For that which you might consider unwise and faulty, I take full responsibility.

*Conclusion*

Once again, and in conclusion, may I urge upon you the need for economy if we are to build firmly and wisely a prosperous future for our great state.

We cannot continue to give to government an ever increasing per cent of our tax dollars.

Nor can we borrow ourselves into prosperity.

Let us, with God's help, and with the wisdom of our founding fathers, find the courage to perform that most difficult task in all democracy — live within our income!

March 15, 1973

On motion of Sen. Downing the Convention rose.

## HOUSE

## HOUSE RESOLUTIONS

Reps. Fortier and Richard L. Bradley offered the following:

## HOUSE RESOLUTION NO. 10

*Whereas*, the paper manufacturing industry of New Hampshire, particularly in the town of Lincoln, is seriously threatened by the problem of meeting pure water standards as imposed by state law, and

*Whereas*, the paper industry is the only market for large quantities of New Hampshire forest products, which products

are the largest renewable resources in New Hampshire and the entire northeast, and

*Whereas*, the paper industry is the only industry which pays in these areas a year-round living wage for a large number of workers, and

*Whereas*, paper is a necessary product on which the entire nation depends and it is necessary for the continuance of our society over the entire country which makes the problem of pollution by paper manufacturers one to which the entire nation contributes and a problem which should be considered and dealt with at the national level, and

*Whereas*, the closing of paper manufacturers in the state of New Hampshire would result in loss of employment and loss of market for raw forest products but would require that the production lost in New Hampshire would be absorbed by additional production in other areas of the country thereby increasing problems of pollution in such other areas, and

*Whereas*, pollution of all our waterways, streams, rivers and oceans must eventually be eliminated.

*Now, Therefore Be It Resolved*

That the House of Representatives of the General Court of the State of New Hampshire respectfully request and urge its congressional delegation to introduce legislation in the federal congress recognizing paper manufacturing pollution as a national problem and its abatement as a responsibility of the federal government, and providing that such abatement be financed by a use tax on all paper products and on any imported pulp or paper. Said tax to be used exclusively for the funding of paper mill waste pollution abatement and the research and administration of such a program.

*Be It Further Resolved*, that a copy of these resolutions be mailed immediately by the speaker of the house to Senator Thomas J. McIntyre, Senator Norris Cotton, Congressman Louis C. Wyman and Congressman James C. Cleveland.

The clerk read the resolution in full.

Referred to Resolutions Committee.

#### COMMITTEE REPORTS CONTINUED

The Speaker called for the special order on SB 31, pro-



viding for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire. Ought to pass with amendment.

#### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Rep. Dupont moved that SB 31 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Russell C. Chase, Conley, Twigg, Twardus, McDonough, Brungot, Richard L. Bradley, Chandler, Fred E. Murray, Tarr and Whipple spoke against the motion.

Reps. Daniell, Lamy and David T. Sullivan spoke in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Ordered to third reading.

#### RECONSIDERATION

Rep. Williamson moved Reconsideration on HB 96, providing that alternate members may be appointed to zoning boards of adjustment. Amendment adopted by the Senate.

The clerk read the amendment in full.

Rep. Benton spoke in favor of reconsideration.

(discussion)

Reconsideration adopted.

Rep. Benton moved that the House non-concur in the Senate amendment to HB 96 and that a committee of conference be established and spoke in favor of the motion.

Adopted.

The Speaker appointed Reps. Hanson, Merrill, Sayer and Williamson.

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Rep. Joseph M. Eaton moved that HB 265, relative to the commitment of children to the industrial school for an offense, and HB 323, relative to the right to know law, be made a special order for Tuesday next.

Adopted.

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Consent Calendar Day Wednesday, March 21st.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns it adjourn to meet Tuesday next at 11:00 a.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HJR 7, in favor of George T. Ellis of Concord.

HB 327, permitting various types of financial institutions in New Hampshire to organize and/or participate in service corporations.

HB 408, providing for insurer notification to employee under group or blanket accident and health insurance policy that premium is not remitted.

HCR 6, to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools.

HB 377, repealing the authority of justices of the peace to sit as special justices in a district court.

SCR 2, memorializing Congress to retain the present capital gains treatment of income in the cutting and disposal of timber.

HB 414, to establish a procedure to repeal historic districts in cities and towns.

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

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Rep. Gerry F. Parker moved that HCR 6, to petition the Congress of the United States of America to call a convention to propose an amendment to the Constitution of the United States permitting voluntary prayer in public schools, be indefinitely postponed and spoke in favor of the motion.

(discussion)

Reps. Joseph L. Eaton and Chandler spoke against the motion.

Rep. Williamson spoke in favor of the motion.

Rep. Zachos moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Rep. Merrill wished to be recorded in favor of the passage of HCR 6.

#### RECONSIDERATIONS

Rep. Elmer L. Johnson moved Reconsideration on HCR 6.

Reconsideration lost.

Rep. Vachon moved Reconsideration on SB 31, and spoke against the motion.

Reconsideration lost.

Reps. Sherman and Schwaner wish to be recorded in favor of the passage of SB 31.

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On motion of Rep. Lynch, the House adjourned at 4:17 p.m.

*Tuesday, 20Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**God our Father**, all that we are, and all that we have, and all that we hope for in this life, is hidden in You. Bless our land with Your peace, bless our homes and our hearts with Your love, bless the leaders of our great State, bless all men on this earth. Amen.

In memory of Llewellyn "Skip" Fernald.

O Lord, hear our prayers, in which we humbly ask of Your mercy that You would give to the soul of Your servant which You have commanded to leave this world, a place in the land of light and peace, and bid he be made a companion of Your saints. Through Christ our Lord.

## PLEDGE OF ALLEGIANCE

Rep. Wayne E. Helie led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Cobleigh, Sanborn and Conley, the day, illness.

Rep. Noble, today and tomorrow, illness.

Rep. Tony Smith, the day, important business.

Reps. Cox, Sununu, Ineson, Scranton, Nardi and Soule, the week, important business.

Rep. Lockhart, two weeks, important business.

## RESOLUTION

Rep. Brungot offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 608 through 617 and House Joint Resolution numbered 41 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's AND HJR

First, second reading &amp; referral

HB 608, relative to revision of existing statutes which constitute misdemeanors and felonies under the provisions of the criminal code. (Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 609, relative to revision of existing statutes imposing only fines above one hundred dollars which constitute misdemeanors for natural and any other persons, and above two hundred dollars constitutes a felony for any other persons under the provisions of the criminal code. (Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 610, relative to revisions of existing statutes imposing fines over fifty and not more than one hundred dollars which constitute violations for natural persons and misdemeanors for any other persons under the provisions of the criminal code. (Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 611, revising statutes outside the criminal code imposing fines of fifty dollars or less which under the code constitute violations. (Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 612, imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer. (Scamman of Rockingham Dist. 15 — To Environment and Agriculture.)

HB 613, relative to regional planning commissions. (Weeks of Rockingham Dist. 16 — To Executive Departments and Administration.)

HB 614, relative to mandatory deferred tuition plan for state colleges. (Gillmore of Hillsborough Dist. 34 — To Education.)

HB 615, providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting. (Maynard of Rockingham Dist. 18; Ellis of Rockingham Dist. 16 — To Fish and Game.)

HB 616, relative to changes in laws relating to unemployment compensation. (McDonough of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 617, pertaining to non-resident students at the Univer-



sity of New Hampshire. (Weeks of Rockingham Dist. 16; Rock of Hillsborough Dist. 16 — To Education.)

HJR 41, relative to payments to welfare patients in nursing homes. (Ferguson of Hillsborough Dist. 11; Dunham of Cheshire Dist. 5 — To Public Health and Welfare.)

### SENATE MESSAGES

### ACCEDED REQUEST

### COMMITTEE OF CONFERENCE

HB 96, providing that alternate members may be appointed to zoning boards of adjustment.

The President appointed Sens. Poulsen, Johnson, Blaisdell and Preston.

### CONCURRENCE

HB 170, relative to overtaking and passing upon the right of another vehicle.

HB 183, to provide right of way for highway purposes through New Hampshire Hospital land.

HB 245, naming Ragged Mountain Highway.

HJR 6, designating United States route no. 3 and interstate 89 as part of the Blue Star Memorial highway system.

HB 280, relative to state registration certificates for airmen.

HB 139, relative to the license fee required for oystering or clamming.

HB 155, relative to penalty for false statements for purpose of procuring fish and game licenses.

HB 89, relative to stallions running at large.

HB 98, to provide for substitute ex officio member for the director of fish and game on the pesticide control board.

HB 132, relative to definition of resident under fish and game laws.

HJR 20, transferring certain accumulated income to the principal of the special teacher competence fund.

HB 262, changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord.

HB 226, relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways.

HB 157, providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins.

### INTRODUCTION OF SENATE BILL

First, second reading & referral

SB 49, relative to prohibited conduct of real estate brokers and salesmen. Statutory Revision.

### ENROLLED BILLS REPORT

HB 56, making certain corrections in statutory references to gambling.

HB 89, relative to stallions running at large.

HB 98, to provide for substitute ex officio member for the director of fish and game on the pesticide control board.

HB 122, providing for rules of professional conduct in the practice of engineering.

HB 139, relative to the license fee required for oystering or clamming.

HB 140, relative to additional requisites for approval of subdivisions by planning boards.

HB 143, relative to the form of fish and game licenses.

HB 155, relative to penalty for false statments for purpose of procuring fish and game licenses.

HB 157, providing for stamping of beaver, otter or fisher skins and permitting the sale of such skins.

HB 170, relative to overtaking and passing upon the right of another vehicle.

HB 183, to provide right of way for highway purposes through New Hampshire Hospital land.

HB 194, authorizing the establishment of capital reserve funds for the cost of tax mapping and reappraisal of real estate.

HB 226, relative to definitions in the passenger tramway law and the costs of inspecting aerial tramways.

HB 245, naming Ragged Mountain Highway.

HB 280, relative to state registration certificates for airmen.

HJR 6, designating United States route no. 3 and interstate 89 as part of the Blue Star Memorial highway system.

HJR 20, transferring certain accumulated income to the principal of the special teacher competence fund.

HB 8, repealing the bounty on bobcats.

Rep. Maurice W. Read  
*For The Committee*

### EXTENSIONS

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 115, relative to the notification of certain members of the general court prior to the adoption of any regulations by state agencies.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 369, increasing the salaries of classified state employees, and making an appropriation therefor.

Granted.

### VACATES

Rep. Bigelow moved that the House vacate the reference of HB 557, exempting dividends of New Hampshire bank holding companies from the interest and dividend tax to the committee on Banks and Insurance and re-refer said bill to the committee on Ways and Means.

Adopted.

Rep. Hamel moved that the House vacate the reference of HB 604, exempting ambulances from being required to pay tolls while on emergency calls to the committee on Public Health and Welfare and re-refer said bill to the committee on Transportation.

Adopted.

Rep. McLane moved that the House vacate the reference of HB 558, to foster the establishment of management-employee relations in state employment to the committee on Executive Departments and Administration and re-refer said bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

## COMMITTEE REPORTS

### HB 80

regulating mass marketing of property-liability insurance. Majority: Inexpedient to legislate; Rep. Wayne E. Helie for Banks and Insurance. Minority: Ought to pass. (Reps. Gabriel, Lamy, Dupont, Gelinas, Burrows and Craig D. Smith).

Majority: This bill would be detrimental to the consumer.

Minority: This bill would save New Hampshire insurance buyers up to three million dollars a year.

Rep. Gabriel moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Rep. Burns, Albert C. Jones, and Chambers spoke against the motion.

Reps. Lamy, Joseph L. Cote, Nims, and Craig D. Smith spoke in favor of the motion.

(discussion)

Rep. Gelinas spoke in favor of the motion.

Motion lost.

Rep. Nims moved the words, ought to pass with amendment, and spoke in favor of the motion.

Rep. Albert C. Jones spoke against the motion.

Rep. Paul McEachern spoke in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

**HB 455**

establishing a committee to study and report on the goals, purposes, organization and financing of the state university system, and making an appropriation therefor. Majority: Ought to pass; Rep. Webb for Education. Minority: Inexpedient to legislate. (Rep. Horan) .

Majority: This bill allows for an ongoing commission to examine for the general court and people of the state the goals, purposes, organization and financing of the university system. This is a most worthwhile and necessary endeavor.

Minority: The education committees of the House and Senate can conduct the study without further legislation.

Referred to Appropriations.

**HB 150**

to prohibit the sale of nonalcoholic beverages in nonreturnable glass containers. In new title and new draft with the recommendation that the report be adopted and that the bill be recommitted. Rep. Greene for Environment and Agriculture.

HB 150 has been amended to provide for incentives to local communities to begin effective long range solutions for the entire solid waste disposal problem, including resource recovery. It is no longer a bottle bill. The change is so drastic that the committee feels the redraft should be treated as a new bill.

**AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

**AN ACT**

providing for solid waste disposal and resource recovery, and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Solid Waste Disposal Centers. Amend RSA 147 by inserting after section 42 the following new subdivision:



### Solid Waste Disposal

147:43 Solid Waste Disposal and Recycling. Each town, city or unincorporated place is authorized to receive and expend revenue for the purpose of disposing of solid wastes or trucking or separating and recycling solid wastes in an appropriate manner. Such revenue may also be spent to study and prepare a proposal for the separation and recycling of solid wastes or the hauling of such wastes to separation and recycling centers.

147:44 Regional Cooperation. The selectmen of the towns or unincorporated places and the mayor and council of each city are authorized to enter into cooperative agreements with other towns, cities or unincorporated places to provide a regional facility for the collection, separation and/or recycling of solid wastes at mutually agreed upon sites. The selectmen or mayor and council, as the case may be, are authorized to expend funds received from any source to establish and maintain such regional facilities and to provide for sharing the costs of establishing and maintaining such facilities in an equitable manner.

147:45 Revenue for Disposal. There is hereby appropriated to each town, city or unincorporated place for each fiscal year a sum equal to five dollars for each person residing in such town, city or place based on the latest resident population figures furnished by the office of state planning, provided, however, that a town, city or place, shall receive such sums only if he has received approval from the director of the division of public health services for a local, regional or cooperative program consistent with any regional plan developed by said division for the separation, collection or recycling of solid wastes or the hauling of such wastes to a collection or recycling center, which program will become operative in the 1976 fiscal year. Payment of such sums shall be made within ninety days of the certification of the annual resident population figures to the state treasurer by the office of state planning pursuant to the provisions of RSA 78-A:25.

2 Appropriation. There is hereby appropriated to each town, city or unincorporated place for each fiscal year of the next biennium a sum equal to two dollars for each person residing in such town, city or place based on the latest resident population figures furnished by the office of state planning. Said sums shall be expended as provided in RSA 147:43-44 as inserted by section 1 of this act. Payment of such sums shall be made within

ninety days of the certification of the annual resident population figures to the state treasurer by the office of state planning pursuant to the provisions of RSA 78-A:25. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 Effective Date. RSA 147:43-44 as inserted by section 1 of this act, and section 2 of this act shall take effect July 1, 1973. RSA 147:45 as inserted by section 1 of this act shall take effect July 1, 1975.

Adopted.

### **HB 151**

to prohibit the sale of malt beverages in nonreturnable metal, plastic or glass containers. In new title and new draft with the recommendation that the report be adopted and that the bill be recommitted. Rep. Greene for Environment and Agriculture.

HB 151 has been amended to establish a committee directed to draw up a state solid waste disposal plan and the legislation to implement it. HB 151 is no longer a bottle bill. The change is so drastic that the committee feels the redraft should be treated as a new bill.

### **AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### **AN ACT**

establishing a solid waste committee

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Solid Waste Committee Established. There is hereby established a solid waste committee to be composed as follows: two representatives to be appointed by the speaker of the house; two senators to be appointed by the president of the senate; and one citizen to be appointed by the governor and council. Said committee shall prepare a report on a method to implement a complete plan for solid waste disposal, which plan shall provide for state-wide, regional, and local recycling of

solid waste and for resource recovery. The committee shall consult with officials from the division of public health services of the department of health and welfare in drawing up such report and shall submit a preliminary report to the house committee on environmental quality and agriculture in July, 1974. The committee shall submit its final report together with any proposed legislation to the house committee on or before October 15, 1974. Members of the committee shall receive no salary, but legislative members shall receive expenses and mileage at legislative rates and the non-legislative members shall receive mileage and expenses at the rate paid to state employees.

2 Effective Date. This act shall take effect sixty days after its passage.

Adopted.

## RECESS

## AFTER RECESS

## VACATES

Rep. Hanson moved that the House vacate the reference of HB 584, requiring municipalities to provide unemployment compensation for all permanent employees to the committee on Municipal and County Government and re-refer said bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

Rep. Greene moved that the House vacate the reference of HB 603, relative to sale of ice cream by weight to the committee on Statutory Revision and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

## COMMITTEE REPORTS CONTINUED

### HB 448

relative to administrative functions of certain regulatory boards, and making an appropriation therefor. Inexpedient to legislate. Rep. Withington for Executive Departments and Administration.

The architects, dentists, engineers and surveyors were opposed and no boards appeared in favor.

Resolution adopted.

#### **HJR 24**

relative to work credit in the policemen's retirement system for Willis S. Low. Ought to pass. Rep. Charles B. Roberts for Executive Departments and Administration.

The committee agreed unanimously that Willis S. Low should be granted the appropriate work credit for his service in the Windham Police Department. He will be making the payment with the town of Windham, when the town votes its share.

Referred to Appropriations.

Reps. Kashulines and Senter wish to be recorded in favor of HJR 24, relative to work credit in the policemen's retirement system for Willis S. Low.

#### **HJR 28**

relative to retirement credit for Floris Henry Lanigan. Ought to pass. Rep. Palfrey for Executive Departments and Administration.

The committee concurred, without any objection, that Floris Henry Lanigan should be permitted to have additional creditable service in the retirement system for her dedicated years of state service. She will be making the payment.

Referred to Appropriations.

#### **HB 431**

permitting the election of members to the board of adjustment. Ought to pass. Rep. G. Winthrop Brown for Municipal and County Government.

After vote of legislative body, permissive legislation which allows for election of members of board of adjustment.

Ordered to third reading.

#### **HB 292**

providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus. Ought to

pass with amendment. Rep. Claffin for Resources, Recreation and Development.

Protects scuba divers by providing for display of standard divers flag in area.

### AMENDMENT

Amend the bill by striking out section 1 of same and inserting in place thereof the following:

1 Requirements for Scuba Diving. Amend RSA 270 by inserting after section 30 the following new sections:

270:31 Scuba Diving. Any person engaged in scuba diving on any of the inland waters of the state shall have a diver's flag displayed indicating that scuba diving activities are in progress, and said flag must extend at least three feet above the surface of the water.

270:32 Penalty. Any person violating the provisions of RSA 270:31 shall be subject to the following penalties:

I. If the offense occurs prior to November 1, 1973, he shall be fined not more than twenty-five dollars for each offense.

II. If the offense occurs on or after November 1, 1973, he shall be guilty of a violation for each offense.

III. The director of safety services may prohibit further scuba activity, in addition to the penalties prescribed in either (a) or (b), until the provisions of RSA 270:31 have been complied with.

Amendment adopted.

Ordered to third reading.

### HB 299

to designate certain highways as bicycle trails and making an appropriation therefor. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Empowers Director of Community Recreation to designate bicycle trails along Class I, II, III and IV highways, issue maps and provide for signs erected by Highway Department.

Referred to Appropriations.



**HB 236**

prohibiting any political soliciting or advertising within polling places or within one hundred and fifty feet of the entrance to polling places. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Because of the great difference in polling places it is recommended that this very real problem be handled by local ordinance.

Resolution adopted.

**HB 325**

relative to games of beano. Ought to pass with amendment. Rep. William J. Stevens for Statutory Revision.

This will allow a last game, winner take all of beano sessions. The total prize in this last game will not be included in the total allowed for all prizes which will be raised from \$800 to \$1000.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Winners Take All; Pool. Amend RSA 287:2 by inserting after paragraph IX the following new paragraph:

X. During any game or series of games conducted, other than at an agricultural fair, in any calendar day one game only may be conducted in which the total amount paid by the players shall all be divided equally between the winners of said game and said total amount shall not be considered in calculating whether or not the limitation imposed by paragraph VII has been complied with.

Amendment adopted.

Ordered to third reading.

**HB 410**

relative to license fees for unspayed female dogs. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Appears that other methods of control, such as leash laws, etc., would better handle the situation.

Resolution adopted.

**HB 424**

reapportioning senatorial districts seven and nine by shifting the towns of Warner, Henniker, Dunbarton and Bow. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Recommended that the House do not originate Senatorial District reapportionment.

Resolution adopted.

**HB 434**

relative to referendum voting by absentee ballot in bien-nial elections. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Will authorize inclusion of local referenda in absentee ballot packages.

Ordered to third reading.

**HB 437**

relative to termination or interruption of utility services. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Committee is convinced that if illegal methods are used to evict tenants, the courts may be used for protection under existing law.

Rep. McManus moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Chase explained the committee report.

Rep. Gerry F. Parker spoke in favor of the motion.

(Deputy Speaker in the chair)

Motion lost.

Resolution adopted.

**HB 440**

requiring the filing by public utilities of annual reports of the remuneration of certain employees. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Present law provides that the Public Utilities Commission

has authority to demand this information and through this procedure the public may be informed.

Resolution adopted.

#### HB 462

relative to a mandatory referendum on any municipal housing projects. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

1. Considered impractical.

2. Would seriously hamper if not destroy the effectiveness of housing authorities.

Rep. Pryor moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Russell C. Chase, Gerry F. Parker, Martineau and Gallen spoke against the motion.

Reps. Chandler, Curran and Chris K. Andersen spoke in favor of the motion.

Rep. Stevenson moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

#### HB 87

providing for the acquisition of the Shell Camp Pond Dam in the town of Gilmanton and making appropriation for the purchase, repair or reconstruction of same. Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Dam proposed to be acquired is in poor repair. It has been general committee policy to oppose acquisition by the state of dams in such condition as to require material immediate expenditure.

Rep. Claffin moved that HB 87 be made a special order for April 3rd and spoke in favor of the motion.

Adopted.

**HB 283**

providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Provides for needed dam if funding is feasible.

Rep. Claflin moved that HB 283 be made a special order for April 3rd.

Adopted.

**HB 402**

increasing and altering the membership of the management-employees relations commission. Inexpedient to legislate. Rep. Noble for Executive Departments and Administration.

Legislation covered in HB 469.

Rep. Withington moved that HB 402 be laid on the table.

Adopted.

**HB 371**

removing by-standers from conviction under the controlled drug act. Ought to pass with amendment. Rep. McManus for Judiciary.

Repeals the law making it a crime to knowingly be in the presence of marijuana.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

eliminating the crime of knowingly being in the presence of a person illegally in possession of a cannabis-type drug.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Crime Eliminated. Amend RSA 318-B:26, II (b) (supp) as inserted by 1969, 421:1 by inserting in line two after the

word "drug" the following (except a cannabis-type drug) so that said paragraph as amended shall read as follows:

(b) Is in the company of a person knowing that said person is illegally in possession of a controlled drug, except a cannabis-type drug, shall be imprisoned not more than six months or fined not more than five hundred dollars, or both, and for each subsequent offense be imprisoned for not more than one year or fined not more than five hundred dollars, or both.

A division was requested.

Rep. McManus explained the bill.

It being manifestly in the affirmative, the amendment was adopted.

Rep. T. Anne Webster moved that HB 371 be indefinitely postponed and spoke in favor of the motion.

Reps. McManus and Albert C. Jones spoke against the motion.

(discussion)

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

(Speaker in the Chair)

154 members having voted in the affirmative and 130 in the negative, the motion prevailed.

Rep. Nelson wished to be recorded against HB 371.

Rep. Ellis wished to be recorded in favor of indefinite postponement of HB 371.

## SUSPENSION OF RULES

Rep. Bigelow moved that the rules be so far suspended as to permit the introduction of a committee report not previously advertised in the Journal on HR 7, to implement a guaranteed protection plan of motor vehicle insurance (and request a Supreme Court opinion), in new draft, and spoke in favor of the motion.



Rep. Coutermarsh spoke in favor of the motion.

Adopted by the necessary two-thirds.

Rep. Bigelow moved that questions relating to HR 7 be ordered to the Supreme Court for an advisory opinion.

Adopted.

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## HOUSE RESOLUTION 7

(New Draft)

*Whereas*, there is pending before the House of Representatives, House Bill No. 79, an act to implement a guaranteed protection plan of motor vehicle insurance and a proposed amendment to said bill, and

*Whereas*, the constitutionality of House Bill No. 79 has been questioned because of the inclusion therein of the provisions of RSA 407-C:9 and 10 and in other regards, now therefore be it

*Resolved* by the House of Representatives that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions of law:

(1) Would any provisions of the Constitution of the United States or the Constitution of New Hampshire, particularly the 14th amendment of the Constitution of the United States and Articles 14, 20, 35 and 37 of Part One of the Constitution of New Hampshire, be violated by the enactment of the provisions of RSA 407-C:9 as proposed in said House Bill No. 79 which eliminates recovery of damages for pain and suffering in certain personal injury tort claims arising out of motor vehicle accidents?

(2) If the answer to question no. 1 is in the affirmative, would the proposed amendment to House Bill No. 79 cure the defect?

(3) If the answer to question no. 1 is in the negative, or if it is in the affirmative but the answer to question no. 2 is in the negative, would your opinion be different if the prohibition contained in RSA 407-C:9 was changed to increase the so-called threshold therein to one thousand dollars instead of five hundred dollars?

(4) Can the Legislature constitutionally authorize arbitration of cases in which the amount in controversy is less than \$3,000, and require pre-payment of costs of the arbitration procedure as a condition of appeal to the courts as proposed in RSA 407-C:10, in view of Articles 14 and 20 of Part I of the Constitution of New Hampshire?

*Be It Further Resolved*, That the Speaker transmit seven copies each of this resolution, of House Bill No. 79, of the analysis of said bill, and of the proposed amendment hereinabove referred to, to the Clerk of the Supreme Court for consideration by said court.

### HB 403

lowering the age of majority to eighteen. Ought to pass with amendment. Rep. Close for Judiciary.

Hopefully the bill amends all references to age of majority to conform with eighteen as the voting age. The amendment abolishes the common law rules on age of majority.

### AMENDMENT

Amend the bill by striking out the original sections 9, 29, 30, 31, 32, 41, 42, 43, 44 and 49.

Further amend the bill by renumbering the original sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 to read:

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 respectively; and by renumbering the original sections 33, 34, 35, 36, 37 38, 39, 40 to read:

28 29 30 31 32 33 34 35 respectively; and by renumbering the original sections 45, 46, 47, 48 to read:

36 37 38 39 respectively; and by renumbering the original sections 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83 to read:

40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 respectively.

Further amend the bill by striking out the newly numbered section 73 and inserting in place thereof the following:

73 New Chapter. Amend RSA by inserting at the end of Title I the following new chapter:

Chapter 21-B

Common Law Rule Abrogated

21-B:1 Age of Majority Changed. The common law rule that a person is a minor to the age of twenty-one is hereby abrogated. A person who has reached his eighteenth birthday is hereby declared to be of majority for all purposes, except as prohibited by the constitution of New Hampshire and of the United States.

74 Effective Date. This act shall take effect sixty days after its passage.

Rep. Boisvert moved that HB 403 be recommitted to the committee on Judiciary for further study and spoke in favor of the motion.

Rep. Zachos spoke against the motion.

(discussion)

Rep. Boisvert withdrew his motion to recommit HB 403 to committee.

Amendment adopted.

Ordered to third reading.

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Rep. Duprey wished to be recorded as being in favor of HB 403.

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Rep. Cunningham commended Deputy Speaker Zachos, his committee and the Judiciary Committee for their thoroughness and efficiency in the treatment of HB 403.

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**HB 50**

lowering the age of majority from twenty-one to eighteen years of age. Inexpedient to legislate. Rep. McManus for Judiciary.

Covered by HB 403.

Resolution adopted.

**HB 361**

relative to giving eighteen year old residents of New Hampshire full majority. Inexpedient to legislate. Rep. Buckley for Judiciary.

Covered by HB 403.

Resolution adopted.

**HCR 9**

on impeachment of President Richard M. Nixon. Inexpedient to legislate. Rep. George B. Roberts, Jr. for Rules.

The House Rules Committee voted unanimously, of those members present, that this type of resolution does not represent the opinion of the House and if, in fact, these allegations are true then the sponsor should make his plea to the United States Senate which is the body which initiates impeachment procedures of the United States President.

Rep. Daniell moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate and spoke in favor of the motion.

(discussion)

Rep. Merrill spoke against the motion.

A division was requested.

22 members having voted in the affirmative and 277 in the negative, the motion lost.

Resolution adopted.

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Rep. George B. Roberts, Jr. submitted the report of the Joint Rules Committee.

**REMARKS OF REP. GEORGE B. ROBERTS, JR.**

Mr. Speaker: As Chairman of the Joint Rules Committee, I would like to offer the following Joint Rules Committee Report which was in the seat pockets on March 7, on a Wednesday. In the cover sheet, I addressed myself to the inclusion of Joint Rules those being those areas in which the House and Senate have to act in concert and to provide for the establishment of a Joint Convention or passage of legislation or deadlines or trans-

fer dates for all legislation from one body to the other, and to establish a procedure for concurrent resolutions proposing constitutional amendments and the procedure by which the House may confirm or finish its business. In that light, the House and Senate Rules Committees have met many, many times. The origin of many of the subjects was created by the members of the so-called ad hoc committee of which this committee and the House Rules Committee have addressed itself to many, many times. If those members who have a copy would like to take just a brief amount of time to go through the proposed changes, I think we must keep in mind a bit of tradition and this will probably take ten minutes or less. Generally, the tradition has been that the House passes a resolution to the Senate, and if there are any changes from the proposed rules committee report, then there is a Joint Committee Conference at which time the conference committee has to report back to the House and Senate as to their agreement. At this time, there will be changes made here by three amendments offered from the floor; one by the Appropriations Committee to clarify their position; another from another member of the Appropriations Committee, and then Mr. Newell will offer a concurrent resolution for the adoption of Joint Rules that would be messaged to the Senate. I expect with the amendments being offered, that the Senate will not concur and of course a Committee of Conference will be established. Mr. Speaker, if I might have the attention of the House just briefly. The first passage in Joint Rules concurs with the receiving of joint messages. An amendment offered by Mr. Henry Newell as to the proper procedure and proper wording, the Joint Rules Committee concurs with that change. On page 2 the next change is a request for a change in the method of transferring of messages which was a housekeeping change that Mr. Newell had requested in the ad hoc Committee report and the Joint Rules Committee concurs.

Rule 10 I think it is important that you remember these dates; that each House shall take final action on all bills that originate therein not later than the third Thursday in June which is June 21, provided that if any bill is sent to a committee of conference and action may be taken subsequently to such date by the House and Senate. The change there has been the dates. On page 3, rule 13 is renumbered and a new rule 11. No bill, and this is probably most important, no bill which has been indefinitely postponed will be admitted under color of amend-



ment by a committee of conference or otherwise and I think that happens to be one of the better points. People have made complaints about Joint Rules in the past session or the past last special session and the committee addressed itself to that problem and we concur that no bill that has been indefinitely postponed shall be admitted under color of amendment.

Rule 14 addresses itself to the dates again about the introduction for giving legislative services the information and it's merely the twelfth day of the session. Rule 13, new number 13 addressed itself to the number of people on a committee of conference representing each House. By tradition we had had two from the Senate and three from the House. The Senate wanted to have three and three, and we resolved the issue by having four from the House and three from the Senate. Under the belief that the Senate needs more people to comprehend the reports, I guess, that had been the Senate's position.

On page 12, rules 16 and 17 are renumbered and new rule 14 concerns itself with possible hearings on any bill which may be held jointly by the Senate and House Committees. It sets up a procedure as to who shall chair that particular committee. If the House calls for the joint hearing, it will be the House Chairman. If the Senate calls for the joint hearing, it will be the Senate Chairman.

Rule 18 is renumbered. Rule 19 is renumbered. On page 5 rule 20 is renumbered to 17. On page 6 rule 18 is renumbered. And our most important change here on that page is on rule 18 where a concurrent resolution proposing a constitutional amendment as provided under rule 17, shall be read into the Senate or House where it originates no later than the second Thursday of March first following the assembly of any General Court, and that has been done. Rule 22 is just renumbered to 19 and addresses itself to the dates for the capital budget. I might read this because that concerns all appropriations for buildings and dams and highways, etc. Any bill making an appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium, or a bill making general appropriation for the cost of and, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the so-called capital budget bill) shall be introduced into either the Senate or the House no later than May 1 and

the House of original introduction shall take final action on any such bill and it shall be entered into the second House no later than May 31st. So we have a completion of the Capital Budget before the end of that month. The second House shall take final action not later than June 21 providing that if any such bill is sent to a committee of conference further action may be taken subsequent to said date. Now what we have done, ladies and gentlemen, is that we have taken those dates and pushed them up so you would have the final action a lot earlier. This means that the House itself would not be squeezed into a log jam near the end to address itself to Capital Budget requests.

Rule 23 is renumbered to 20 and it concerns the committee of conference and I shall take the time to read this because I think its one of the most important changes and there will be an amendment for 20.

Rule No. 20. Conference Committees on Budget Bills. The report of the conference committee on either the general appropriation bills or the capital improvements bill shall be printed in the journal or a supplement thereto before action is taken on the floor in either body on said report. Said committees shall be limited in their jurisdiction only to the differences between the Appropriations of the House and the Senate, unless good cause for exception to such limitations clearly exists in the opinion of the committee.

This particular rule was the hardest to negotiate and I understand there will be opposition from House Appropriations. I think it is a valid position for them to take because I would expect that with this change, we would go back to a committee of conference and ask the Senate to perhaps be a little more reasonable in their demands as to what type of changes a committee of conference on the budget can address itself to.

Rule 21 is renumbered. 24 is renumbered to 21 and concerns the report of the Committee of Conference on concurrent resolutions proposing an amendment to the constitution. I don't think I will take your time because it's pretty much standard. Mr. Newell and others wanted clearer language. We added the words "Journal or supplement."

25 is renumbered 22; 26 is renumbered 23.

Rule 24. All committees of conference shall consist of seven members; four members of the House appointed by the Speaker

and three members of the Senate appointed by the President, except for committees of conference on the operating budget (a small concession from the Senate) which shall consist of eight members; five from the House, three from the Senate. All committee of conference reports must be unanimous. So the Senate would concede one person on the operating budget. I think, likely so, because we have an appropriations committee bigger than Senate Finance; and for the purely mechanical work of going over the committee of conference budget or work they must do, you need more members than four and three would provide.

Now, House Rule No. 25 as proposed would establish a joint screening committee of the General Court and would have members of the House and Senate who would look at the proposed introduction of bills and try to get sponsors together, which brings us down to No. 26, which is a new innovation by the Senate.

Rule No. 26. Members of both houses may sponsor legislation jointly. Proposed legislation will be titled "House Bill" or "Senate Bill" according to the first-named sponsor.

So, as you saw today, the pride of authorship — the game played, of who passes what bill first, might in fact, be eradicated by the fact that if one member in the Senate and one member in the House, both wanted to have direct recognition of the authorship of that bill, they would in fact sponsor jointly and start in one House and stop the duplication of introductions of the same type of bill on the same subject matter just because one person or two people want to get the pride of authorship. It's a new innovation. We hope it works and we hope that members of the House and Senate who each get together in the future to make sure they do have that joint sponsorship.

New rule 27 is to read as follows: Rule No. 27. Clarification of Legislative days. Mr. Newell, quite rightly so, pointed out to the ad hoc committee on Joint Rules and House and Senate Rules that there isn't any clear statutory definition of calculating legislative days. Legislative days are figured in each house independently based on the actual days that either house has been in session.

I think that is a good change and I think it's a substantial change so that there is no question as to our 90-day maximum.

Rule 28 is a new innovation that will be challenged. The Chairman of the Joint Rules committee is not bothered by that challenge. It means that if you amend the Rules Committee Report, that we are automatically put in committee of conference where I think we will need to be, but it reads as follows for your edification.

Rule No. 28. When each house adjourns on the day that the last bill is presented to the governor for his approval, each shall adjourn to meet at eleven in the forenoon on a day mutually agreed upon by both House and Senate which shall be within a period of not less than five days after the five day period during which the governor may sign or veto said bill, as provided in Article 44 of Part II of the Constitution.

Now there has been a suggested change already. The word "less" be changed to the word "more" and some have suggested it be taken out completely and that will be the decision of this House and the Committee of Conference to try to get agreement on this and bring back to this House.

Rule 29 happens to be the idea of Senate Finance Chairman, Rob Trowbridge, and it's quite lengthy. I should read to the members of the House who have not brought their copies. Quickly it says this. It says in fact, if there is a bill introduced to the House, the Senate can take that bill and refer it to a Senate Committee and have it heard before the actual bill has passed or before we have acted upon it in this House. I believe, as they say this would give them the ability to have a hearing on a House bill and not have to wait until its actual passage in May. I would like the House to decide on the feasibility of that operation and I would ask the Chair to recognize Arthur Drake for an amendment to the Joint Rules Committee Report.

Rep. Newell moved the adoption of amending the Joint Rules.

Rep. Drake moved that the proposed Joint Rules be amended as follows:

#### AMENDMENT

Amend the proposed renumbered joint rule no. 20 by striking out the last sentence thereof so that said proposed rule as amended shall read as follows:

Rule No. 20. Conference Committees on Budget Bills. The report of the conference committee on either the general appropriation bills or the capital improvements bill shall be printed in the journal or a supplement thereto before action is taken on the floor in either body on said report.

Amend the proposed joint rules by striking out proposed new rule no. 29.

#### REMARKS OF REP. DRAKE

Mr. Speaker, I am concerned with proposed Joint Rule No. 20, which reads as follows: Rules No. 20, Conference Committees on Budget Bills. The report of the conference committee on either the general appropriation bills or the capital improvements bill shall be printed in the journal or a supplement thereto before action is taken on the floor in either body on said report. Said committees shall be limited in their jurisdiction only to the differences between the Appropriations of the House and the Senate, unless good cause for exception to such limitations clearly exists in the opinion of the committee.

My concern is with the first part of the last sentence which reads, "Said committees shall be limited in their jurisdiction only to the differences between the Appropriations of the House and the Senate" and particularly in the above-quoted to the words "only to the differences."

Gentlemen, you are limiting the committee to change only those appropriations within the areas of difference. This rule, if accepted, will force the House to establish ceilings and floors on issues before the House, which you and I know, will not be resolved until the last days of the session.

Additionally, you are awarding a privilege to the Senate — the privilege to pick and choose the issues on which it wishes to confront the House. They will have the opportunity to amend only the items they wish to negotiate with and, naturally so, only the ones that will be beneficial to that body's philosophies.

There have been issues, at least in all of the conference committees that I have been a member of, that because of available funding, federal regulations, our own legislative activity, and other issues large or small where the committee has, in its effort to meet the State's responsibilities within available funds,



had to review most of the agencies appropriations on a line by line process to arrive at a report that best represents both the position of the House and the Senate on that given *day*.

Day! Yes, as you know, priorities, because of genuine issues, are constantly being reassessed on a daily basis or maybe I should term this "Crisis" on a daily basis.

I could go on at great length with recollections of situations past, and cite foreseeable situations, whereby the ability of the House to negotiate and arrive at a reasonable compromise will be restricted if this rule is accepted.

The absence of the rule does not prevent any member from making known his views to any House or Senate member of this committee. The committee must be in complete agreement, as I am aware you all know, and the absence of the ability to negotiate, freely on your behalf, with the members representing the Senate will certainly weaken the House's position regardless of the importance of the issue or issues.

Rep. Daniell moved that further consideration of the Joint Rules be made a special order for Thursday, March 22nd.

Reps. George B. Roberts, Jr. and Stevenson spoke against the motion.

Rep. Sayer spoke in favor of the motion.

A division was requested.

It being manifestly in the affirmative, further consideration of the Joint Rules was made a Special Order for Thursday, March 22nd.

Rep. Spirou moved that HB 265, relative to the commitment of children to the industrial school for an offense; HB 323, relative to the right to know law; HB 193, requiring open vehicles to be covered when carrying particulate material; HB 317, modifying the powers of the Nashua board of education, be made a special order for Thursday, March 22nd.

Adopted.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills

be by title only and resolutions by caption only, and when the House adjourns, it adjourn to meet tomorrow at 11 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HB 431, permitting the election of members to the board of adjustment.

HB 434, relative to referendum voting by absentee ballot in biennial elections.

HB 325, relative to games of beano.

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

HB 403, lowering the age of majority to eighteen.

### RECONSIDERATION

Rep. Vachon moved reconsideration on HB 440, requiring the filing by public utilities of annual reports of the remuneration of certain employees.

Reconsideration lost.

### RECONSIDERATION

Rep. Lawton moved reconsideration on HB 437, relative to termination or interruption of utility services.

Reconsideration lost.

### RECONSIDERATION

Rep. Vachon moved reconsideration on HB 325, relative to games of beano.

Reconsideration lost.

### RECONSIDERATION

Rep. Burns moved reconsideration on HB 80, regulating mass marketing of property-liability insurance.

Reconsideration lost.

Consent Calendar Day Wednesday, March 21st.

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Rep. Goodrich is celebrating a birthday today.

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On motion of Rep. Joseph M. Eaton, the House adjourned at 5:08 p.m.

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### *Wednesday, 21Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord, our God,** we pray that we may always do what is right and choose truth rather than falsehood, that we do not fail our fellowmen to further our own advantage. We ask You this through Christ our Lord. Amen.

In memory of Wilfred B. Howland:

**O Lord,** we implore You in Your fatherly love, have mercy on the soul of Your servant Wilfred Howland, and grant that freed from the stains of his mortal life, he may receive the inheritance of eternal salvation. Through Christ our Lord. Amen.

### RESOLUTIONS

Rep. Ouellette offered the following:

*Whereas,* we have learned with sorrow of the death of Wilfred B. Howland, former Representative from Concord, and

*Whereas,* Wilfred B. Howland served his community faithfully and with honor, therefore be it

*Resolved,* that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Wilfred B. Howland, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### PLEDGE OF ALLEGIANCE

Rep. Twigg led the Pledge of Allegiance.

### LEAVE OF ABSENCE

Rep. Rowell, today and tomorrow, illness.

### RESOLUTION

Rep. Milne offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 618 through 627 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 618, increasing the commission on pari-mutuel pools at horse and harness races and changing the tax payable to the state. (Chase of Carroll Dist. 4; Roberts of Belknap Dist. 4; Coutermarsh of Hillsborough Dist. 24; Plourde of Merrimack Dist. 7 — To Ways and Means.)

HB 619, authorizing a state guarantee of bonds of the industrial development authority for pollution control purposes. (Coutermarsh of Hillsborough Dist. 24; Roberts of Belknap Dist. 4; Fortier of Coos Dist. 6; Lawton of Belknap Dist. 1; Greene of Rockingham Dist. 17 — To Resources, Recreation and Development.)

HB 620, relative to assessment of personal property for payment of the boat tax. (Ellis of Rockingham Dist. 16 — To Ways and Means.)

HB 621, permitting the city of Portsmouth to exceed its

debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire. (Maynard of Rockingham Dist. 18 — To Special Committee on Portsmouth Delegation.)

HB 622, relative to statement of expenditures requested by the budget committee. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 623, relative to the labeling of packaged meats as to USDA grade. (Cushman of Merrimack Dist. 9 — To Environment and Agriculture.)

HB 624, relative to filing estimates of business profits tax. (Clark of Grafton Dist. 5 — To Ways and Means.)

HB 625, relative to continuing education for optometrists and increasing the renewal license fee for optometrists. (Beaulieu of Hillsborough Dist. 31 — To Public Health and Welfare.)

HB 626, relative to protecting one's property from damage caused by wild birds and/or wild animals. (Bradley of Grafton Dist. 5 — To Fish and Game.)

HB 627, to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession. (Townsend of Sullivan Dist. 1; Frizzell of Sullivan Dist. 7 — To Executive Departments and Administration.)

## SENATE MESSAGE

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 58, clarifying certain definitions under the charitable trust statutes. Judiciary.

SB 50, authorizing motions for summary judgment in the district court. Judiciary.

## ENROLLED BILLS REPORT

HB 262, changing the appropriation for the purchase of the so-called New Hampshire Savings Bank building to the purchase and renovation of office space and parking area in the city of Concord.

Mabel L. Richardson  
*For The Committee*



## COMMITTEE REPORTS

**HB 282**

relative to the examining and training procedures for real estate salesmen and brokers. Inexpedient to legislate. Rep Shea for Executive Departments and Administration.

The committee felt that removing or reducing qualifications for real estate salesmen or brokers would be unwise.

Resolution adopted.

**HB 385**

relative to changing the name of the Association of New Hampshire Assessors. Ought to pass with amendment. Rep. Duprey for Executive Departments and Administration.

Changes name of Assessors Association to Association of Assessing Officials. The amendment corrects a mistake in the title of the bill.

## AMENDMENT

Amend RSA 31:8 as inserted by section 1 of the act by striking out same and inserting in place thereof the following:

31:8 Town Officers' Associations. For the encouragement of equitable taxation and the education of public officials in tax problems and other matters pertaining to the proper and efficient discharge of the duties of their respective offices, each town and city shall pay annually to the New Hampshire Association of Assessing Officials, the New Hampshire City and Town Clerks' Association and the New Hampshire Tax Collectors' Association, such amounts as shall be due for annual membership for its officials therein, providing that the amount paid for any one annual membership hereunder shall not exceed ten dollars. Members of these several organizations in addition to the annual membership fee, shall be entitled to receive their actual expenses incurred in attending the annual convention of their respective associations, the same to be audited by the selectmen of towns and the finance committee of cities and paid out of city and town funds.

Amendment adopted.

Ordered to third reading.

**HB 393**

providing for rules of professional conduct in the practice of land surveying. Ought to pass with amendment. Rep. Noble for Executive Departments and Administration.

Authorizes New Hampshire Board of Registration for land surveyors to adopt rules of professional conduct. Amendments allow for public hearings and rights of appeal.

**AMENDMENT**

Amend the bill by striking out section 2 of same and inserting in place thereof the following:

2 Revocations and Suspensions. Amend RSA 319-A:22 (supp) as inserted by 1969, 458:1 by striking out said section and inserting in place thereof the following:

319-A:22 Revocation of Certificates. The board shall have the power to revoke, suspend or annul the certificate of registration or certificate of authorization of any registrant who is found guilty of: (a) the practice of any fraud or deceit in obtaining a certificate of registration; (b) any gross negligence, incompetency, or misconduct in the practice of land surveying as a registered land surveyor or violation of the rules of professional conduct adopted by the board. Any person may prefer charges of fraud, deceit, gross negligence, incompetency, or misconduct against any registrant. Such charges shall be in writing, shall be sworn to by the person making them and shall be filed with the secretary of the board. All charges, unless dismissed by the board as unfounded or trivial, shall be heard by the board within three months after the date on which they shall have been preferred. The time and place for said hearing shall be fixed by the board, and a copy of the charges, together with a notice of the time and place of hearing, shall be served personally on or mailed to the last known address of such registrant, at least thirty days before the date fixed for the hearing. At any hearing, the accused registrant shall have the right to appear personally and by counsel, to cross-examine witnesses appearing against him, and to produce evidence and witnesses in his own defense. If, after such hearing, three or more members of the board vote in favor of finding the accused guilty, the board shall revoke, suspend or annul the respective certificate of registration or authorization of such registered land surveyor. Any person who is found guilty

by three or more members of the board shall be informed in writing of his right to have the orders of the board reviewed as provided in RSA 319-A:27.

Amend the bill by striking out all after section 2 of same and inserting in place thereof the following:

3 Requirements for Public Hearings. Amend RSA 319-A by inserting after section 8 the following new section:

319-A:8-a —Public Hearings. Before adopting or amending rules of professional conduct, the board shall advertise in at least one newspaper of statewide circulation giving notice of at least one public hearing that shall be conducted by the board. Such notice of the public hearing shall be given not less than fourteen nor more than forty-five days prior to said hearing. At least forty days prior to the scheduled hearing the board shall furnish a copy of any proposed rules of professional conduct, or amendments thereto, to all land surveyors which are currently registered with the board.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

## HB 215

to require an instruction to the jury in a workmen's compensation case if an insurance carrier has a lien on any damages awarded. Inexpedient to legislate. Rep. McManus for Judiciary.

In workmen's compensation suits requires the judge to instruct the jury as to the amount of compensation already received.

Resolution adopted.

## HB 251

relative to injury to property of another person. Inexpedient to legislate. Rep. Currier for Judiciary.

Covered by the Criminal Code.

Resolution adopted.

**HB 306**

relative to trespasses on private property. Inexpedient to legislate. Rep. Currier for Judiciary.

Covered by the Criminal Code.

Resolution adopted.

**HB 365**

relative to the administration of county jails and houses of correction. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Permissive legislation which allows for appointment of both a superintendent of the county farm and a superintendent of the county house of correction; appointments to be made by county commissioners after receiving approval of county delegation.

**AMENDMENT**

Amend the bill by striking out section 1 of same and inserting in place thereof the following:

1 House of Correction Superintendent. Amend RSA 28:11 by striking out said section and inserting in place thereof the following:

28:11 Personnel. The commissioners may, only upon a prior vote of the county convention, appoint a superintendent for the county farm, and a superintendent for the house of correction. They may also appoint such other officers, agents and servants as may be required to properly care for the same and the inmates thereof.

Amendment adopted.

Ordered to third reading.

**HB 407**

to abolish the town of Hampton reclamation authority. Ought to pass with amendment. Rep. King for Municipal and County Government.

Legislation abolishes the Hampton Municipal Development Authority, requires an accounting of its funds, and return of unexpended funds to town of Hampton treasury.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

to abolish the town of Hampton municipal  
development authority.

Amend the bill by striking out all after section 1 of the bill and inserting in place thereof the following:

2 Accounting of Funds. All funds received by the town of Hampton municipal development authority shall be accounted for and a written statement of account shall be rendered to the selectmen not later than November 30, 1973. After deducting the costs of the accounting, the balance of said funds shall be transferred to the treasury of the town of Hampton.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 459**

to prohibit any municipal government pensioner working for the same municipality and being paid both a pension and salary. Inexpedient to legislate. Rep. Benton for Municipal and County Government.

Withdrawn by sponsor.

Resolution adopted.

**HB 375**

relative to accident report form and financial responsibility notice furnished under the director of motor vehicles and the director of safety services. Inexpedient to legislate. Rep. Hamel for Transportation.

This bill would unduly complicate the form and increase costs.

Resolution adopted.



**HB 427**

relative to penalties for reckless driving. Ought to pass.  
Rep. Hamel for Transportation.

For first offense, fine \$100 to \$500 and license suspended for sixty days. On second offense, suspension sixty days to one year.

Ordered to third reading.

**HB 341**

changing the date for distribution of sweepstakes funds. Ought to pass. Rep. Splaine for Ways and Means.

This bill will change the date of distribution to state school districts of the revenue of the sweepstakes commission from December 15 to on or before September 15.

Ordered to third reading.

**EXTENSIONS**

Rep. Harvell moved that the committee on Constitutional Revision be granted a six-day extension on HCR 7, to petition Congress to propose the "liberty amendment" to the United States Constitution.

Granted.

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 347, to increase the fees for a recount for a delegate to a national convention.

Granted.

Rep. Hamel moved that the committee on Transportation be granted a six-day extension on HB 379, relative to limited hardship licenses to operate a motor vehicle.

Granted.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only, and when the House adjourns, it adjourn to meet tomorrow at 11:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 385, relative to changing the name of the Association of New Hampshire Assessors.

HB 393, providing for rules of professional conduct in the practice of land surveying.

HB 365, relative to the administration of county jails and houses of correction.

HB 407, to abolish the town of Hampton municipal development authority.

HB 427, relative to penalties for reckless driving.

HB 341, changing the date for distribution of sweepstakes.

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Consent Calendar Day, Wednesday, March 28th.

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On motion of Rep. Vachon, the House adjourned at 11:23 a.m.

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*Thursday, 22Mar73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain, Rev. Ernest R. Drake, District Superintendent, Southern District, N. H. Conference of the United Methodist Church, residing in Concord.

**O God**, source of light and life, who in Your mercy has brought us this morning to this place and these tasks, we pause a moment to praise You for Your care. We marvel at Your love and find strength in it.

As we face the tasks which are ours as legislators this day, help us to put aside our selfish desires that the greatest good for Your people in this state may be done. Grant wisdom and courage, we pray, for the facing of these tasks that when night comes and we lay aside the responsibilities of the day we may

be unafraid to face the consequences of our acts. Help us to realize that not all can be pleased but all can be served. Facing the decisions unite our hearts and minds in a mighty purpose that we fail not man nor You. We ask in Jesus' name. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Barka led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Desmarais and Rowell, the day, illness.

Rep. Aubut, the week, illness.

Rep. Messina, the day, death in the family.

Reps. Harrison, Hanson, Milne, Helen F. Wilson, Bigelow and Lynch, the day, important business.

### RESOLUTION

Rep. Burns offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 628 through 673 and House Joint Resolution numbered 42 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HB's & HJR

First, second reading & referral

HB 628, relative to the use of illegal inspection stickers. (Bartlett of Merrimack Dist. 8 — To Transportation.)

HB 629, relative to the fees for birth registration cards, vital statistics records and certificates of marriage. (Woods of Rockingham Dist. 22 — To Statutory Revision.)

HB 630, relative to warning of upcoming speed limit signs and the use of radar. (D'Amante of Sullivan Dist. 5 — To Transportation.)

HB 631, exempting a room used exclusively for meetings

from the meals and rooms tax. (Chandler of Merrimack Dist. 3 — To Ways and Means.)

HB 632, relative to investment of retirement funds. (Zachos of Hillsborough Dist. 25 — To Executive Departments and Administration.)

HB 633, relative to the maximum amounts of group life insurance for employees. (Milne of Hillsborough Dist. 25 — To Banks and Insurance.)

HB 634, relative to political advertisements affixed to objects of nature. (Murray of Hillsborough Dist. 3 — To Statutory Revision.)

HB 635, relative to temporary loans under the municipal finance act. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 636, providing an attorney for indigent persons seeking unemployment compensation benefits. (McDonough of Hillsborough Dist. 29 — To Judiciary.)

HB 637, providing for the payment of interest on real estate tax payments made to banking institutions by mortgagors. (Andersen of Merrimack Dist. 15 — To Banks and Insurance.)

HB 638, relative to limiting the horsepower of motors on small bodies of water. (Parker of Hillsborough Dist. 17 — To Resources, Recreation and Development.)

HB 639, relative to permitting the Lord's prayer and the pledge of allegiance in public schools at local option. (Donnelly of Strafford Dist. 14; Winkley of Strafford Dist. 10 — To Education.)

HB 640, authorizing the governor to enter into contracts with veterinary medical schools. (Frizzell of Sullivan Dist. 7 — To Education.)

HB 641, permitting assignment of the right to refund of motor vehicle road tolls to voluntary corporations. (Huot of Belknap Dist. 6 — To Appropriations.)

HB 642, changing the name of the Belknap county recreational area and commission and limiting the terms of its members. (Huot of Belknap Dist. 6 — To Special Committee on Belknap County Delegation.)

HB 643, relative to the admission of persons into the New Hampshire hospital or licensed nursing homes. (Donnelly of Strafford Dist. 14; Winkley of Strafford Dist. 10 — To Judiciary.)

HB 644, relative to the holder in due course doctrine. (Merrill of Grafton Dist. 14 — To Judiciary.)

HB 645, relative to the compensation to be paid members of the Hillsborough county convention. (Colburn of Hillsborough Dist. 6 — To Special Committee on Hillsborough County Delegation.)

HB 646, to provide that New Hampshire residents sixty-five years of age or over shall receive free lifetime hunting and fishing licenses. (Bernard of Strafford Dist. 14; Theriault of Coos Dist. 9 — To Fish and Game.)

HB 647, relative to extending retail and vending licenses on tobacco until June 30, 1974 and biennially thereafter. (French of Belknap Dist. 1 — To Statutory Revision.)

HB 648, relative to arrest without a warrant by law enforcement officers. (Eaton of Grafton Dist. 14 — To Judiciary.)

HB 649, authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood. (Eaton of Grafton Dist. 14 — To Judiciary.)

HB 650, relative to the publication of notices of appointment of fiduciaries, and repeal of the requirement of the posting of such notices. (Close of Cheshire Dist. 15; Buckley of Sullivan Dist. 4 — To Judiciary.)

HB 651, to provide for termination of certain charitable trusts. (Close of Cheshire Dist. 15 — To Judiciary.)

HB 652, to appeal and encourage the use of voluntary arbitration of disputes in superior court. (Buckley of Sullivan Dist. 4; McManus of Strafford Dist. 17 — To Judiciary.)

HB 653, providing for trial of certain misdemeanors by six member juries. (Buckley of Sullivan Dist. 4; McManus of Strafford Dist. 17 — To Judiciary.)

HB 654, making certain technical changes in statutory provisions relating to the supreme court. (Zachos of Hillsborough Dist. 25 — To Statutory Revision.)



HB 655, authorizing a court to designate the type of officer to whom a capias may be directed for service. (McManus of Strafford Dist. 17 — To Judiciary.)

HB 656, relative to zoning and land use control of real property. (Pryor of Coos Dist. 7 — To Municipal and County Government.)

HB 657, establishing a multi-use statewide trail system. (Winkley of Strafford Dist. 10; Schwaner of Rockingham Dist. 9 — To Resources, Recreation and Development.)

HB 658, relative to the revocation of approval by the water supply and pollution control commission of plans for sewage or waste disposal systems. (Hoar of Rockingham Dist. 8 — To Resources, Recreation and Development.)

HB 659, relative to emergency transportation services. (Daniell of Merrimack Dist. 13 — To Transportation.)

HB 660, providing free school textbooks. (Daniell of Merrimack Dist. 13 — To Education.)

HB 661, providing for persons sixty-five years or older to apply for a tax lien on real estate. (Stevenson of Grafton Dist. 3; Richardson of Coos Dist. 4; Coutermarsh of Hillsborough Dist. 24 — To Ways and Means.)

HB 662, relative to the date on which local property tax bills will accrue interest. (Read of Rockingham Dist. 4; Perkins of Hillsborough Dist. 8 — To Municipal and County Government.)

HB 663, relative to reporting all unfavorable credit or personnel information on consumer to the consumer. (Perkins of Hillsborough Dist. 8 — To Statutory Revision.)

HB 664, amending in general the conservation commission enabling act. (Colburn of Hillsborough Dist. 6 — To Statutory Revision.)

HB 665, increasing the additional registration fee on boats for the improvement of dams. (Parker of Merrimack Dist. 4 — To Resources, Recreation and Development.)

HB 666, relative to mobile barbershops. (Mason of Hillsborough Dist. 22 — To Public Health and Welfare.)

HB 667, to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg. (Huggins of Coos Dist. 1 — To Fish and Game.)

HB 668, authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station. (Curran of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 669, relative to the use of power boats on Smith Pond in Enfield. (Warren of Grafton Dist. 8 — To Resources, Recreation and Development.)

HB 670, relative to other games of chance that may be conducted in conjunction with beano games. (Sweeney of Hillsborough Dist. 34 — To Ways and Means.)

HB 671, prohibiting the use of motorboats on Willard Pond in Antrim. (Milbank of Cheshire Dist. 10 — To Resources, Recreation and Development.)

HB 672, requiring a certificate for designers or persons drawing plans for a sewage disposal system. (Hoar of Rockingham Dist. 8 — To Resources, Recreation and Development.)

HB 673, relative to adoption procedures. (Nighswander of Belknap Dist. 2; Zachos of Hillsborough Dist. 25; Lawton of Belknap Dist. 1; Sherman of Merrimack Dist. 2; Scranton of Cheshire Dist. 16; McEachern of Rockingham Dist. 23 — To Judiciary.)

HJR 42, relative to the marine boundary between Maine and New Hampshire. (Warren of Grafton Dist. 8; Simmons of Rockingham Dist. 15; Patrick of Coos Dist. 1 — To Fish and Game.)

#### ENROLLED BILLS AMENDMENT

HB 132, relative to definition of resident under fish and game laws.

#### AMENDMENT

Amend section 1 of the bill by striking out the first four lines and inserting in place thereof the following:

1 Resident Defined. Amend the term "Resident" as de-

fined in RAS 207:1 by striking out said definition and inserting in place thereof the following:

The clerk read the amendment in full.

Amendment adopted.

### SENATE MESSAGES ADOPTION ENROLLED BILLS AMENDMENT

HB 132, relative to definition of resident under fish and game laws.

### CONCURRENCE

HB 192, relative to the definition of civil defense and the civil defense executive council.

HB 171, increasing the maximum pension allowed for certain firemen, police officers and constables.

HB 161, legalizing the annual town meeting of the town of Warren.

HB 9, to provide for the adoption of absentee voting at certain town, village district and school district annual elections.

HB 106, eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks.

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

### NON-CONCURRENCE

HB 3, relative to the appropriation of funds for the use of the governor.

HB 81, increasing the amount of political expenditures authorized for candidate in primary elections seeking the office of governor, U. S. senator, representative in Congress, governor's councilor, county officer, state senator or representative to the general court.

### INTRODUCTION CACR

First, second reading & referral

CACR 22, establishing a four-year term for Governor. Pro-

viding that: The Governor shall be elected every four years on the non-presidential election years, and no person shall serve more than two terms consecutively. Constitutional Revision.

NONCONCURRENCE ON SB WITH  
HOUSE AMENDMENT  
REQUEST FOR COMMITTEE OF CONFERENCE

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

The President appointed Sens. Downing, Sanborn and Lamontagne.

Rep. Russell C. Chase moved the House accede to the request for a committee of conference.

Adopted.

The Speaker appointed Reps. Russell C. Chase, Conley, Vachon and Doris L. Thompson.

CONCURRENCE ON HB WITH  
SENATE AMENDMENT

HB 204, establishing a New Hampshire fruit marketing committee.

(For amendment see SJ, March 20, 1973)

Rep. Greene moved that the House concur in the Senate amendment.

Adopted.

VACATE

Rep. Drake moved that the House vacate the reference of HJR 15, relative to fire and rescue services provided by the town of Allentown at Bear Brook State Park to the committee on Appropriations and re-refer said resolution to the committee on Claims, Military and Veterans Affairs.

Adopted.

EXTENSION

Rep. Chamberlin moved that the committee on Fish and

Game be granted a six-day extension on HB 387, relative to providing a uniform open deer season throughout the state.

Granted.

## COMMITTEE REPORTS

### HB 416

establishing a citizens insurance rating advisory board. Inexpedient to legislate. Rep. Dwyer for Banks and Insurance.

Committee feels bills would not accomplish what the sponsor wanted.

Rep. Lamy spoke in favor of the committee report.

Rep. George J. Thibeault moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Burns and Dwyer spoke against the motion.

(discussion)

Rep. Thibeault spoke a second time in favor of the motion.

Rep. Richard L. Bradley spoke in favor of the motion.

Rep. Doris L. Thompson moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

## SUSPENSION OF RULES

Rep. Zachos moved that the rules of the House be so far suspended as to dispense with printing, committee reference, hearing and advertising in the Calendar on HJR 42, relative to the marine boundary between Maine and New Hampshire, and to place the bill on third reading and final passage at the present time.

Adopted by the necessary two-thirds.



## HOUSE JOINT RESOLUTION 42

relative to the marine boundary between Maine  
and New Hampshire.

*Resolved by the Senate and House of Represen-  
tatives in General Court convened:*

That it is hereby declared the state of New Hampshire does not and never has agreed to or acquiesced in the lateral marine boundary between the states of Maine and New Hampshire as most recently delineated on maps of the Kittery and Isles of Shoals quadrangles published by the U. S. Geological Survey in 1956 or on any prior editions of such maps showing substantially the same delineation.

The clerk read the resolution in full.

Rep. Zachos explained the resolution.

Reps. Albert C. Jones, Horan and Daniell spoke against the motion.

Reps. Patrick, Frizzell and Coutermarsh spoke in favor of the motion.

(discussion)

(Rep. Russell C. Chase in the Chair)

Rep. James E. O'Neil, Sr. spoke in favor of the motion.

(Speaker in the Chair)

Rep. Haller spoke against the motion.

Rep. Harvell spoke in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted by the necessary two-thirds.

Third reading and final passage

HJR 42, relative to the marine boundary between Maine and New Hampshire.

## RECONSIDERATION

Rep. Zachos moved Reconsideration of HJR 42.

Reconsideration lost.

The Speaker called for the Special Order on:

**HB 265**

relative to the commitment of children to the industrial school for an offense. Ought to pass. Rep. H. Gwendolyn Jones for Judiciary.

Prevents confinement of minors for offenses which, if committed by an adult, would not be punishable by confinement.

Rep. Record moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Reps. H. Gwendolyn Jones, Beaulieu and Currier spoke against the motion.

Rep. Daniel J. Healy spoke in favor of the motion.

(Rep. Russell C. Chase in the Chair)

(discussion)

Reps. Brungot, Buckley, George I. Wiggins, Call and Nutting spoke against the motion.

Rep. James A. Humphrey spoke in favor of the motion.

(Speaker in the Chair)

Reps. Daniell and Coutermarsh spoke in favor of the motion.

Reps. Spirou and Underwood spoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

118 members having voted in the affirmative and 185 in the negative, the motion lost.

Rep. Fred E. Murray offered an amendment.

The clerk read the amendment in full.

Rep. Murray explained the amendment.

Rep. Zachos spoke against the amendment.

Amendment lost.

Ordered to third reading.

Rep. T. Anne Webster wishes to be recorded against the passage of HB 265.

## RECESS

## AFTER RECESS

## COMMITTEE REPORTS CONTINUED

### HB 86

requiring grantor at grantee's request to include in the warranty deed a covenant that the real estate at the time of purchase can be used for grantee's stated purpose. Inexpedient to legislate. Rep. Nutting for Judiciary.

Inexpedient to legislate at the request of sponsor.

Resolution adopted.

### HB 342

relative to liability for support for relatives. Ought to pass. Rep. H. Gwendolyn Jones for Judiciary.

A court hearing to determine whether there is good cause for a person failing to support a relative. Now in contempt of court.

Ordered to third reading.

### HB 364

to abolish artificial and unrealistic limitation on recovery for wrongful deaths in New Hampshire. Ought to pass. Rep. McManus for Judiciary.

Removes the limits on recovery in wrongful death actions.

Ordered to third reading.

**HB 446**

relative to support of relatives. Ought to pass. Rep. H. Gwendolyn Jones for Judiciary.

Clarification of section on compelling support of relatives by adding "without good cause as determined by the court at a hearing." Now held in contempt of court.

Ordered to third reading.

**HB 454**

authorizing courts to suspend the license to operate a motor vehicle of a person convicted of larceny with the aid of a motor vehicle. Inexpedient to legislate. Rep. H. Gwendolyn Jones for Judiciary.

Present statutes adequate.

Resolution adopted.

**HB 222**

requiring druggist to post a list of prescription drug prices. Ought to pass with amendment. Rep. Beaulieu for Public Health and Welfare.

This bill would require the director of public health services to annually prepare a list of the two hundred most commonly prescribed drugs, promulgate the list to each pharmacy in the state, and each pharmacy would post same indicating the drug manufacturer and current selling price at that pharmacy.

The director's decision would be final concerning drugs listed, and each pharmacy may change the price and post same at any time.

**AMENDMENT**

Amend RSA 146:6-a, I and II, as inserted by section 1 of the bill by striking out said paragraphs and inserting in place thereof the following:

I. On or before the first of September in each year the director shall prepare a list of the two hundred most commonly prescribed prescription drugs, their usual strength and amount prescribed and distribute the list to each pharmacy in the state. The determination of the director of the division of public

health services as to which drugs are to be contained in the list shall be final.

II. The current list of the two hundred most commonly prescribed drugs shall be conspicuously posted in each pharmacy in the state. After each prescription drug listed the name of the manufacturer and current selling price shall be clearly, neatly and legibly indicated for the prescription by the pharmacy. The "current selling price" means the price to be paid by the purchaser to the pharmacist for a given quantity of the listed drug.

Amendment adopted.

Ordered to third reading.

#### HB 441

relative to the inspection of homes for neglected children and adoption procedures. Ought to pass. Rep. Elizabeth E. Goff for Public Health and Welfare.

This is a housekeeping bill authorizing the Director of the Division of Welfare of the Department of Public Health and Welfare to appoint an authorized representative to procure and supervise homes for the care of dependent and neglected children. The bill also repeals certain laws relative to the support of neglected children in county almshouses or asylums, and relative to certain adoption procedures.

Ordered to third reading.

#### HB 442

relative to the age of children placed in a child caring agency. Ought to pass with amendment. Rep. Chris K. Andersen for Public Health and Welfare.

Bill will increase the scope of the division of welfare's authority to regulate child-caring agencies by increasing the limit of children placed in such agencies from sixteen to eighteen years of age.

#### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:



I Age Limit Increased. Amend RSA 170:2, II (supp) , as amended, by striking out said paragraph and inserting in place thereof the following:

II. Receives for foster care, custody or control one or more children under the age of eighteen years any one of which stands in a relationship to the operator of the child-caring agency more distant in the degrees of kinship, by affinity or consanguinity, than second cousin who are separated from their parent or guardian, except children committed by a court; or during part or all of the day regularly gives care to one or more children, any one of which stands in a relationship to the operator of the child-caring agency more distant in the degrees of kinship, by affinity or consanguinity, than second cousin, whether or not the care is given for compensation, and whether or not the service is known as a family day care home, child care center, day nursery, day care agency, child development center, nursery school, kindergarten, play school, progressive school, or by any other name. The term child-caring agency does not include a bona fide summer camp, a hospital, a public school, a private school approved by the state board of education or a private home or other facility in which a child is left by his parent or guardian for temporary care for a period not exceeding thirty consecutive days in any calendar year. Such child-caring agencies shall keep a register of the name and address of each child, the name and address of his parent or guardian and the dates of his arrival and departure. Such register shall be available at any time for the inspection of the director of welfare or his authorized representative.

Amendment adopted.

Ordered to third reading.

#### COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred Senate Bill 31 'An Act providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.' having considered the same report the same with the following recommendation:

That the Senate recede from its position of nonconcurrency in the House amendment; that the House recede from its posi-

tion in adopting its amendment; and that the Senate and House each adopt the following amendment:

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Sen. Delbert F. Downing, Dist. 22

Sen. William E. Sanborn, Dist. 17

Sen. Laurier A. Lamontagne, Dist. 1

Conferees on the Part of the Senate

Rep. Russell C. Chase, Carroll 4

Rep. Raymond K. Conley, Jr. Carroll 3

Rep. Doris L. Thompson, Merrimack 10

Rep. Marcel A. Vachon, Hillsborough 33

Conferees on the Part of the House

The clerk read the report in full.

Committee of Conference Report adopted.

### COMMITTEE REPORTS CONTINUED

The Speaker called for the Special Order on

#### **HB 323**

relative to the right to know law. Majority: Ought to pass with amendment; Rep. Close for Judiciary. Minority: Inexpedient to legislate. (Reps. Daniel J. Healy, Tarr and Record)

Majority: Makes any body or agency who refuses access to public documents liable for reasonable attorney's fees and costs incurred if a final judgment in favor of the request is rendered by the court.

Minority: Bill's solution to an alleged problem is unsatisfactory.

### AMENDMENT

Amend the bill by striking all of paragraph one and inserting in place thereof the following:

1 Remedies Related to Access to Public Records. Amend RSA 91-A by inserting after section 7 the following new section:

91-A:8 Remedies. Any body or agency which, in violation

of the provisions of this chapter, refuses to provide a public document or refuses access to a public proceeding, to a person who reasonably requests the same, shall be liable for reasonable attorney's fees and costs incurred in making the information available or the proceeding open to the public provided the court renders final judgment in favor of such request.

Rep. Daniel J. Healy moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Reps. Curran, Close, Anthony Stevens, Rock, Albert C. Jones, McManus and Brungot spoke against the motion.

Reps. Record and Tarr spoke in favor of the motion.

Rep. Daniel J. Healy spoke a second time in favor of the motion.

Rep. Close spoke a second time against the motion.

Rep. Stevenson moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the negative the motion lost.

Amendment adopted.

Ordered to third reading.

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Rep. George B. Roberts, Jr. moved that the House adopt the Joint Rules Committee report for the 1973 session and spoke in favor of the motion.

(discussion)

Rep. Drake offered an amendment to Joint Rule 20 and spoke in favor of the amendment.

#### AMENDMENT

Amend the proposed renumbered joint rule No. 20 by striking out the last sentence thereof so that said proposed rule as amended shall read as follows:

Rule No. 20. Conference Committees on Budget Bills. The report of the conference committee on either the general appropriation bills or the capital improvements bill shall be printed in the journal or a supplement thereto before action is taken on the floor in either body on said report.

Drake Amendment adopted.

Rep. Scamman offered an amendment and spoke in favor of the amendment.

(discussion)

Rep. George B. Roberts, Jr. spoke to the motion.

Rep. Newell spoke in favor of the motion.

Scamman amendment lost.

Rep. George B. Roberts, Jr. offered an amendment.

Amendment to Rule No. 28

changing the word "less" to (more).

The clerk read the amendment in full.

Rep. Roberts spoke in favor of his amendment.

Roberts' amendment adopted.

Rep. Drake offered an amendment.

#### AMENDMENT

Amend the proposed joint rules by striking out proposed new rule No. 29.

The clerk read the amendment in full.

Rep. Drake spoke in favor of his amendment.

Rep. Gerry F. Parker spoke against Joint Rule 29.

Rep. George B. Roberts, Jr. spoke to the amendment.

(discussion)

Drake amendment adopted.

Rep. Daniell offered an amendment.

## AMENDMENT

Amend the proposed joint rules by inserting at the end thereof the following new rule:

29. A committee of conference may not propose an amendment to a bill or resolution or to the title or caption thereof which is not germane to the subject matter of the bill or resolution as originally drawn.

The clerk read the amendment in full.

Rep. Daniell spoke in favor of his amendment.

(discussion)

Reps. Gordon, Lawton, Scamman and Newell spoke in favor of the amendment.

Daniell amendment adopted unanimously.

Rep. Sayer offered an amendment.

## AMENDMENT

Amend the proposed joint rules by inserting at the end thereof the following new rule:

30. The sponsor of any bill which is referred to a committee of conference shall be appointed as a member of the first said committee appointed, in the event of multiple sponsors such appointment shall be made in the order of listing of their names until one of them accepts the appointment.

The clerk read the amendment in full.

Rep. Sayer spoke in favor of his amendment.

(discussion)

Rep. George B. Roberts, Jr. commented on the amendment.

Rep. Lawton spoke in favor of the amendment.

Sayer amendment adopted.

Rep. George B. Roberts, Jr. moved that the Joint Rules as amended be adopted.



JOINT RULES AS ADOPTED BY  
THE HOUSE MARCH 22, 1973

1. The Joint Committee on Rules shall comprise the Committee on Rules of the Senate and of the House. It shall be the duty of the Joint Committee on Rules to recommend to the two bodies the day and time to which the two bodies shall adjourn, and such other matters as be referred to it by either or both bodies.

2. When a convention of the two bodies is to be formed, whether by a requirement of the Constitution, or by a vote or resolution of the two bodies, a message shall be sent from the House of Representatives to the Senate, giving notice when the House will meet the Senate in convention. As soon thereafter as the convenience of the Senate will permit, they will attend in the House. The Speaker of the House shall be chairman of the convention, and shall state the reasons for forming the convention. When the House and Senate are thus formed in convention, the rules adopted as the rules of the House shall be considered the rules of the convention, so far as they may be deemed applicable, and the convention shall accordingly be governed thereby.

3. Messages shall be sent by such person or persons as each body may deem to be proper. Messages from either body shall be received from the other at all times, except when engaged in putting a question, in calling yeas and nays, or in counting the ballots. When a message shall be *received* from either body to the other, it shall be announced *by the presiding officer*.

4. While bills are on their passage between the two bodies, they shall be under the signature of the clerk of each body respectively.

5. Any bill concerning state retirement systems shall not be introduced unless there is attached thereto a fiscal note based upon estimates obtained from a qualified and approved actuary as to total cost involved.

6. Every bill repealing or modifying any act or statute shall refer to the same: (a) if contained in the Revised Statutes Annotated by the section and chapter thereof and if the 1955 adopted Revised Statutes Annotated has been amended by stat-

ing "as amended": (b) if not contained in the Revised Statutes Annotated by the section and chapter and the session of the legislature when the same was passed expressed in words clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain the meaning thereof. The title of every bill shall indicate, in brief and comprehensive form, the subject-matter contained in the bill. It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

7. When a bill or resolution which shall have passed in one body is rejected in the other, notice thereof shall be given to the body in which the same shall have passed.

8. After each body shall have adhered to its disagreement, a bill or resolution shall be considered lost.

9. Each body shall *on request* transmit to the other all papers, or *copies thereof*, on which any bill or resolution may be founded.

10. Each body shall take final action on all bills that originate therein not later than the *fourth Thursday in May*. The nonoriginating body shall take final action on all referred bills not later than the *third Thursday of June* provided that if any bill is sent to a committee of conference further action may be taken subsequent to said date by the House and Senate.

11. No bill which has been indefinitely postponed shall be admitted under color of amendment by a committee of conference or otherwise.

12. No bill, joint resolution, concurrent resolution to amend the constitution, claim outstanding on the first day of the session or petition relating to new business shall be introduced in the session unless its subject matter has been received for drafting by Legislative Services on or before the *twelfth* legislative day of the session, nor shall such matters be introduced in either branch of the legislature from state officers, departments or agencies unless they have been previously filed with Legislative Services prior to October first preceding the session, unless reported by the Committee on Rules; provided that this rule may be suspended in either house whenever

two-thirds of the whole number of elected members shall, on division taken, vote in favor thereof, and not otherwise.

13. There shall be a committee for the purpose of enrolling bills, consisting of *four* members of the House of Representatives and *three* members of the Senate. All bills that have passed both bodies shall be delivered to said committee, be by them enrolled, carefully examined and reported to the respective bodies; and shall be signed by the Speaker of the House of Representatives and the President of the Senate. If the examination of a bill shall disclose any clerical error or formal imperfection, said committee shall report it back to the respective bodies, with such amendments as are required to correct the same; and any measures so reported shall be subjected to amendment in those particulars and in no other respect.

14. A public hearing on any bill may be held jointly by the Senate and House committees. The Speaker or President of the body in which the bill originates may request the President or Speaker of the other body to authorize the appropriate committee of that other body to sit at a joint public hearing. Joint hearings in no way preclude the bill being re-heard by the committee of either body. Presiding over the hearings shall be the chairman of the committee calling for the joint hearing or his designee without regard as to whether a House or Senate bill is being heard. The Speaker or the President may authorize standing committees of their respective bodies to meet on non-legislative days as needed.

15. Effective date of bills. Except as hereinafter provided, each Senate and House bill shall in terms be made effective not earlier than sixty calendar days after the date of its passage. Any bill requiring another effective date than prescribed herein may be amended on second reading by a majority vote of either the Senate or House and said amendment may provide for a bill to become effective on passage or on a specific date. Provided, however, that the limitation herein provided as to effective dates shall not apply to (1) bills of an emergency nature, (2) tax bills, (3) private acts affecting one particular town, city or political subdivision, (4) bills making appropriations of money for ordinary or capital expenses of state agencies, or (5) bills affecting fees for licenses or certificates.

16. A bill or resolution may be recalled from the Governor

at any time before it is signed by him, by a majority of the Senate or House, whichever last had possession.

17. Concurrent Resolutions Proposing Constitutional Amendments. Proposed constitutional amendments shall be submitted as concurrent resolutions entitled: "Concurrent Resolution proposing a Constitutional Amendment Relating to\*\*\*," and with a resolving clause in the following form: "Be it Resolved by the (Senate) (House of Representatives) the (House of Representatives) (Senate) concurring that the Constitution of New Hampshire be amended as follows: "Concurrent resolutions proposing a constitutional amendment shall truly propose to amend or supplement the Constitution and contain only subject matter which genuinely belongs in the fundamental law of the state: it being the intention of this rule to exclude therefrom all subject matter which is legislative in nature and all questions which are submitted under the guise of constitutional amendments for the primary purpose of obtaining a popular referendum. Each concurrent resolution shall set forth the text of the new matter to be inserted in the Constitution and also the text of a question summarizing the amendment, to appear on the ballot proposing such constitutional amendment. The General Court shall specify the particular election at which such question is to be submitted to the voters, and shall state whether it is to appear on the regular or a separate ballot. All such concurrent resolutions shall be read a first and second time by title and referred to the appropriate standing committee for public hearing and report. Amendments to such a resolution shall be in order while the measure is still on second reading. On the question of ordering such a resolution to third reading and on the question of final passage, the President and Speaker shall require a division vote unless a roll call is recorded under the rules and completed, adoption of either of said questions shall require a vote of three-fifths of the entire membership of each house. In case of disagreement between the two bodies, such concurrent resolutions shall be subject to the usual conference committee procedure. Such concurrent resolution, if adopted by the required constitutional majority of each body, shall be engrossed in the usual form and signed by the Speaker and the President, and shall be submitted to the Secretary of State for appropriate action and for submission to the voters. Such concurrent resolutions shall be made a part of the permanent legislative records.



18. A concurrent resolution proposing a constitutional amendment, as provided by the Rule No. 17 shall be read into the Senate or House where it originates not later than the second Thursday of March first following the assembly of any General Court. All hearings on such resolutions may be held jointly as provided under Joint Rule 14 by the appropriate standing committees of the Senate and House provided that in the event the resolution is amended in the first body and the second body chooses to have a second hearing this too may be joint. The committee vote on the resolution shall be by each committee and not by the committees jointly and passage in final form shall be completed by both bodies not later than the last legislative day of April of the calendar year in which the resolution was introduced. After said date in April no further action may be taken by either house on the resolution provided that if in the opinion of the attorney general, or an advisory opinion from the supreme court states that, the form of the question in the resolution needs to be amended, the two bodies may amend the resolution in such particular only by affirmative vote of no less than three-fifths of the entire membership of each house taken on division or roll call vote. A motion to so amend shall be in order in either body, notwithstanding any other rule to the contrary, at any time prior to the prorogation of the assembly of that General Court.

19. Any bill making appropriation for the administration, operation and maintenance of any department or departments for each or any fiscal year of the biennium, or a bill making general appropriation for the cost of land, public improvements and other capital outlays, itemized by specific projects or classes of projects of the same general character (the so-called Capital Budget Bill) shall be introduced into either the Senate or the House no later than *May 1st*, and the house of original introduction shall take final action on any such bill and it shall be entered into the second house no later than *May 31st*. The second house shall take final action on any bill no later than *June 21st*, provided that if any such bill is sent to a conference committee, further action may be taken subsequent to said date by the House or Senate.

20. Conference Committees on Budget Bills. The report of the conference committee on either the general appropriation bills or the capital improvements bill shall be printed in



the journal or a supplement thereto before action is taken on the floor in either body on said report.

21. The report of a committee of conference on a concurrent resolution proposing an amendment to the constitution shall be first returned to that house which acceded to a request for a committee of conference. The report shall be recorded in full in the journal *or supplement* of that house to which it is first returned and made a special order of business at the late session of a subsequent day. After said report has been adopted by the house to which it was first returned, it shall then be transmitted to the other house for its action.

22. No Joint Rule shall be suspended unless two-thirds of the members present, in each house, voting separately, vote in favor thereof.

23. No action may be taken in either house on any committee of conference report until a copy of said report has been delivered to the seats or placed on the desks of all members.

24. All committees of conference shall consist of seven members; four members of the House appointed by the Speaker and three members of the Senate appointed by the President except for committee of conference on the operating budget, which shall consist of eight members; five from the House, three from the Senate. All committee of conference reports must be unanimous.

25. There is hereby established a joint screening committee of the General Court, consisting of four members of the House appointed by the Speaker, and three members of the Senate appointed by the President. If more than one member of the General Court requests that legislation of an involved and voluminous nature be drafted on the same subject matter, but with some variations so that the main body of each bill, even though drafted separately, would be practically duplicates, the office of Legislative Services shall advise the joint screening committee established by this rule of such a situation. The committee, after consultation with the requesting members, shall endeavor to have them agree to the drafting of one bill.

26. Members of both houses may sponsor legislation jointly. Proposed legislation will be titled House Bill or Senate Bill according to the first named sponsor.

27. Clarification of Legislative days. Legislative days are figured in each house independently based on the actual days that either house has been in session.

28. When each house adjourns on the day that the last bill is presented to the governor for his approval, each shall adjourn to meet at eleven in the forenoon on a day mutually agreed upon by both House and Senate which shall be within a period of not more than five days after the five day period during which the governor may sign or veto said bill, as provided in Article 44 of Part II of the Constitution.

29. A committee of conference may not propose an amendment to a bill or resolution or to the title or caption thereof which is not germane to the subject matter of the bill or resolution as originally drawn.

30. The sponsor of any bill which is referred to a committee of conference shall be appointed as a member of the first said committee appointed, in the event of multiple sponsors such appointment shall be made in the order of listing of their names until one of them accepts the appointment.

Joint Rules as amended were adopted.

### COMMITTEE REPORTS CONTINUED

The Speaker called for the Special Order on:

#### **HB 317**

modifying the powers of the Nashua board of education. Majority: Inexpedient to legislate; Rep. Gabriel for Nashua Delegation. Minority: Ought to pass. (Reps. Lebel, Aubut, Boisvert and Rock).

Although this bill is a referendum question, the majority felt that this bill would only add to an already chaotic situation.

Minority felt the taxpayers of Nashua *should be* allowed to vote on a referendum question as to how their tax dollars are spent.

Rep. Lebel moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Reps. Gabriel and John T. Winn spoke against the motion.

Rep. Rock spoke in favor of the motion.

(discussion)

### POINT OF ORDER

Rep. Zachos rose on a point of order.

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Reps. Gerry F. Parker and Coutermarsh spoke against the motion.

Rep. Boisvert spoke in favor of the motion.

Motion lost.

Resolution adopted.

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Reps. Zachos and Coutermarsh moved that the following bills be made a Special Order for Tuesday next:

HJR 22, in favor of the North Conway fire department for rescue operation.

HB 277, providing for a privilege for reporters.

HB 305, enacting a code of ethics for the state.

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city.

HB 74, relative to regulation of the practice of pharmacy.

HB 148, requiring the furnishing of generic as well as brand names by physicians prescribing drugs.

HJR 17, establishing a study committee to evaluate the division of welfare and its operations and making an appropriation therefor.

HR 4, requesting an advisory opinion from New Hampshire Supreme Court on validity on seconding motion for roll call.

HR9, in opposition to the granting of amnesty.

HCR 13, memorializing the Congress of the United States not to rebuild North Vietnam.

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire.

HB 193, requiring open vehicles to be covered when carrying particulate material.

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Consent Calendar Day Wednesday, March 28th.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and when the House adjourns it adjourn to meet Tuesday next at 11:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 265, relative to the commitment of children to the industrial school for an offense.

HB 342, relative to liability for support for relatives.

HB 364, to abolish artificial and unrealistic limitation on recovery for wrongful deaths in New Hampshire.

HB 446, relative to support of relatives.

HB 441, relative to the inspection of homes for neglected children and adoption procedures.

HB 442, relative to the age of children placed in a child caring agency.

HB 323, relative to the right to know law.

HB 222, requiring druggist to post a list of prescription drug prices.

#### RECONSIDERATION

Rep. Gerry F. Parker moved reconsideration on HB 317 and spoke against the motion.

Reconsideration lost.

## RECONSIDERATION

Rep. Frizzell moved reconsideration on HB 265 and spoke against the motion.

Reconsideration lost.

## RECONSIDERATION

Rep. Chris K. Andersen moved reconsideration on HB 442 and spoke against the motion.

Reconsideration lost.

## RECONSIDERATION

Reps. Stevenson and Curran moved reconsideration on HB 323 and spoke against the motion.

Reconsideration lost.

## RECONSIDERATION

Rep. Chris K. Andersen moved reconsideration on HB 222 and spoke against the motion.

Reconsideration lost.

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On motion of Rep. Weeks the House adjourned at 6:07 p.m.

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*Tuesday, 27Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

Father, we are very proud to call You Father, and to show to men that You are our God. We call to You for all that we need with trust that You will hear and answer our prayers. We place in Your hands all that we are. We are weak, yet Your power is at work within us. Touch us now with the blessing of Your



Son, that through our love Your touch may reach the hearts of men. We ask this in the name of Jesus Christ. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Hammond led the Pledge of Allegiance.

The Speaker introduced House Minority Leader Coutermarsh and Senate Minority Leader Foley who presented to House Chaplain Rev. Beaulieu, a Book of Prayers which were offered before the U. S. Senate.

### LEAVES OF ABSENCE

Rep. Desilets, the week, death in the family.

Reps. Meserve, Roger K. Warren, George I. Wiggins, Conley, Tucker, Griffin, Erickson, Duprey and Nutt, the day, important business.

Reps. Underwood, Sununu and Kenneth W. Spalding, the week, important business.

### RESOLUTION

Rep. Zachos offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 674 through 704 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 674, requiring public eating establishments to post a notice if butter is not used in the preparation or serving of food. (Seamans of Hillsborough Dist. 15 — To Public Health and Welfare.)

HB 675, relative to mechanics liens and construction mortgages. (Ethier of Hillsborough Dist. 16 — To Banks and Insurance.)

HB 676, relative to increasing the resident hunting season

over the non-resident hunting season by one-third. (Nelson of Hillsborough Dist. 9 — To Fish and Game.)

HB 677, relative to approval for contracts for municipal sewage disposal systems. (Curran of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 678, to limit the application of rules and regulations affecting day care centers promulgated and enforced by the welfare department. (Sweeney of Hillsborough Dist. 34; Goodrich of Rockingham Dist. 8; Thompson of Strafford Dist. 9; Howard of Carroll Dist. 1; Wilson of Rockingham Dist. 2 — To Public Health and Welfare.)

HB 679, prohibiting the consumption of alcoholic beverages in a moving vehicle. (Mattice of Merrimack Dist. 10; Hamel of Rockingham Dist. 11 — To Transportation.)

HB 680, relative to reassessment or abatement of real estate taxes. (Tilton of Grafton Dist. 1 — To Ways and Means.)

HB 681, transferring members from the predecessor systems to the New Hampshire retirement system. (Noble of Merrimack Dist. 21 — To Executive Departments and Administration.)

HB 682, limiting the loss of state grants to newly-installed and unaccepted pollution control facilities. (Curran of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 683, to provide for local review and investigation of proposed dredge and fill projects in the state's wetlands. (Conley of Carroll Dist. 3 — To Resources, Recreation and Development.)

HB 684, relative to exceeding appropriations under the municipal budget law. (Sayer of Rockingham Dist. 5 — To Municipal and County Government.)

HB 685, relative to annual, sick and personal leave for state employees. (Lamy of Hillsborough Dist. 35 — To Executive Departments and Administration.)

HB 686, relative to the lien for uncollected property taxes upon any house trailer or mobile home. (Nutt of Grafton Dist. 13; Wiggins of Sullivan Dist. 8 — To Municipal and County Government.)

HB 687, relative to distribution of the manual of the general court. (Brungot of Coos Dist. 8 — To Statutory Revision.)

HB 688, relative to the use of hovercraft. (Gemmill of Grafton Dist. 10; McLane of Merrimack Dist. 16 — To Environment and Agriculture.)

HB 689, relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare. (Thomson of Hillsborough Dist. 7 — To Resources, Recreation and Development.)

HB 690, to provide that entry fees for small claims actions go to municipality in which the court is regularly located. (Nutt of Grafton Dist. 13; Spirou of Hillsborough Dist. 27 — To Judiciary.)

HB 691, providing for family planning services for all persons seeking same. (Greene of Rockingham Dist. 17; McLane of Merrimack Dist. 16 — To Public Health and Welfare.)

HB 692, relative to the reimbursement of counties for sheriff's patrols and protection. (Splaine of Rockingham Dist. 19; Call of Rockingham Dist. 19 — To Municipal and County Government.)

HB 693, relative to debt during transition period following adoption of optional fiscal year. (Ethier of Hillsborough Dist. 16 — To Ways and Means.)

HB 694, relative to institutional guardianships. (McLane of Merrimack Dist. 16; Hamel of Rockingham Dist. 11 — To Public Health and Welfare.)

HB 695, relative to interest rates from date of verdict. (McEachern of Rockingham Dist. 23 — To Judiciary.)

HB 696, relating to rate changes by hospital service corporations. (Woodward of Merrimack Dist. 20 — To Banks and Insurance.)

HB 697, relating to appeals by hospital service corporations. (Woodward of Merrimack Dist. 20 — To Banks and Insurance.)

HB 698, relating to the contingency reserve of hospital services corporations. (Woodward of Merrimack Dist. 20 — To Banks and Insurance.)

HB 699, relating to investments of hospital service corporations. (Woodward of Merrimack Dist. 20 — To Banks and Insurance.)

HB 700, relative to joint use of rights of way by public utilities. (Estabrook of Rockingham Dist. 10 — To Public Works.)

HB 701, relative to appeal bonds in eviction proceedings. (McManus of Strafford Dist. 17 — To Judiciary.)

HB 702, relative to the terms of jurors. (McManus of Strafford Dist. 17 — To Judiciary.)

HB 703, to transfer or repeal all of title LVIII (crimes and offenses) except chapters 570-A, 571-B, and 585 and to rename the title. (Zachos of Hillsborough Dist. 25 — To Judiciary.)

HB 704, relative to the manner of election of delegates to the constitutional convention. (Harvell of Hillsborough Dist. 9; Gardner of Hillsborough Dist. 30; Gillmore of Hillsborough Dist. 34 — To Constitutional Revision.)

## SENATE MESSAGE

### CONCURRENCE

HB 230, requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election relative to the same.

HB 229, allowing chiropractors to participate in medical service corporations.

HB 362, to reclassify a certain highway in the town of Whitefield.

HB 304, prohibiting the publication of names of the elderly receiving an exemption from property taxes.

HCR 3, memorializing the Congress of the United States to enact legislation setting February 1, 1955, as the starting date of the Vietnam conflict in order to give recognition to all who served in the Vietnam theatre of war.

HJR 42, relative to the marine boundary between Maine and New Hampshire.

## VACATES

Rep. McLane moved that the House vacate the reference of HB 570, providing for regulation of electricians and electrical installation and making an appropriation therefor, to the committee on Executive Departments and Administration and re-refer said bill to the committee on Labor.

Adopted.

Rep. Gemmill moved that the House vacate the reference of HB 494, establishing a state agency investigating committee to examine the rules and regulations of state agencies and making an appropriation therefor, to the committee on Legislative Administration and re-refer said bill to the committee on Executive Departments and Administration.

Adopted.

Rep. Claflin moved that the House vacate the reference of HB 619, authorizing a state guarantee of bonds of the industrial development authority for pollution control purposes, to the committee on Resources, Recreation and Development and re-refer said bill to the committee on Appropriations.

Adopted.

## EXTENSIONS

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 144, relative to the inclusion of police employees in the New Hampshire Retirement System.

Granted.

Rep. French moved that the committee on Education be granted a six-day extension on HB 352, relative to statewide school food and nutrition programs.

Granted.

Rep. Claflin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 129, to reimburse the town of Lincoln for its outstanding share



of indebtedness on bonds issued for the cost of its industrial waste treatment plant and to make an appropriation therefor.

Granted.

Rep. Alice Davis moved that the committee on Public Works be granted a six-day extension on HB 396, relative to the incorporation of roads used without charge into toll roads.

Granted.

Rep. Daniels moved that the committee on Public Works be granted a six-day extension on HB 399, authorizing the state of New Hampshire to acquire from the town of New Boston Bridge No. 045-131.

Granted.

Rep. Clafin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 380, relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands commission and making an appropriation therefor.

Granted.

Rep. Clafin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 384, to reclassify the Blackwater River.

Granted.

Rep. Benton mover that the committee on Municipal and County Government be granted a six-day extension on SB 30, requiring the separate listing of homestead residence property.

Granted.

## ENROLLED BILLS REPORT

HB 9, to provide for the adoption of absentee voting at certain town, village district and school district annual elections.

HJR 42, relative to the marine boundary between Maine and New Hampshire.

Maurice W. Read  
*For The Committee*

## CONCURRENCE

## HB WITH SENATE AMENDMENT

HB 314, relative to accident and health insurance issued under franchise plan.

(Amendment printed in the Senate Journal Tuesday, March 22nd.)

Rep. Bigelow moved that the House concur in the Senate amendment, and explained the amendment.

Adopted.

## SUSPENSION OF RULES

Rep. Nelson moved that the rules of the House be so far suspended as to allow the introduction of House Resolution No. 11, nationwide boycott of all meat, fish, and poultry for a week beginning April 1, 1973, and to place resolution on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

The clerk read the resolution in full.

Reps. Nelson and Spirou spoke in favor of the motion.

Rep. Campbell spoke against the motion.

Rep. Richard L. Bradley commented on House Resolution No. 11.

Motion lost.

Rep. Hager wished to be recorded in favor of Suspension of Rules on House Resolution No. 11, nationwide boycott of all meat, fish and poultry for a week beginning April 1, 1973.

The Speaker called for the Special Order on:

**HB 193**

requiring open vehicles to be covered when carrying particulate material. Majority: Inexpedient to legislate; Rep. D'Amante for Transportation. Minority: Ought to pass. (Reps. James W. Murray, Sanborn, Cary, Akerman, Lebel and Merseve)

Majority feels that the spillage law now in the RSA takes care of this problem.

Rep. James W. Murray moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Reps. D'Amante, Richard L. Bradley and Clark spoke against the motion.

Reps. Raymond, Sanborn, Parr, Maguire, Cary, Coutermarsh and George B. Roberts, Jr. spoke in favor of the motion.

(discussion)

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted.

Ordered to third reading.

### PERSONAL PRIVILEGE

Reps. Zachos, Drake, Coutermarsh, Gordon and Twigg rose on a point of personal privilege.

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Rep. Daniell moved that the Speaker instruct the Appropriations Committee to return HB 20, removing the requirement of public convenience and necessity for common carriers by motor vehicles, to the floor of the House no later than April 10, and spoke in favor of the motion.

Reps. Russell C. Chase, Drake, and Gerry F. Parker spoke against the motion.

Rep. Gordon spoke in favor of the motion.

(Deputy Speaker in the chair)

Rep. James E. O'Neil, Sr. spoke against the motion.

Rep. Stevenson moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

## RECESS

## AFTER RECESS

(Speaker in the Chair)

## SENATE MESSAGE

## INTRODUCTION OF SCR

First, second reading and referral

## SENATE CONCURRENT RESOLUTION 5

*Whereas*, differences still exist between the House and the Senate concerning the adoption of joint rules; and

*Whereas*, the Senate is in agreement that the procedures in the joint rules, recommended by the Joint Rules Committee and adopted by the House last week, have not been sufficiently brought to the attention of individual House members; and

*Whereas*, it would be in the best interests of members of both the House and the Senate to discuss said provisions of the rules in a frank and open manner before all members of both houses; therefore be it

*Resolved*, that the N. H. Senate, the House of Representatives concurring, hereby propose a joint convention of the House and Senate for the purpose of providing effective and responsive joint rules by which to work together for the remainder of the Session.

Referred to Rules Committee.

**HJR 22**

in favor of the North Conway fire department for rescue operations. Ought to pass with amendment. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

The committee unanimously feels that the North Conway Fire Department was on a mission of mercy at Echo Lake state park.

## AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

The sum of one thousand twenty-three dollars is hereby appropriated to be paid to the North Conway fire department

in full settlement for claims for expenses incurred in said rescue operations at Echo Lake state park. The governor is authorized to draw his warrant for the sum herein appropriated, said sum shall be a charge against the funds appropriated to the department of resources and economic development, division of parks.

Amendment adopted.

Ordered to third reading.

**HB 381**

relative to the suspension and revocation of the privilege to operate a boat in New Hampshire. Ought to pass. Rep. Hamel for Transportation.

Grants director of safety services authority which he needs but does not have at present.

Ordered to third reading.

**HB 354**

relating to arrest without a warrant. Ought to pass with amendment. Rep. Nutting for Judiciary.

Now a police officer may not, without a warrant, arrest a person involved in a misdemeanor unless committed in his presence. This bill will allow the arrest without a warrant if the officer has probable cause to believe that the person had been driving while intoxicated.

**AMENDMENT**

Amend RSA 262-A as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

262-A:62-b Arrest Without a Warrant. Notwithstanding any other provision of law to the contrary a peace officer may, without a warrant, arrest any person involved in a traffic accident when the officer has probable cause to believe that such person has violated the provisions of RSA 262-A:62.

Amendment adopted.

Ordered to third reading.

**HB 428**

relative to certain relatives' responsibility in medical assistance cases. Ought to pass with amendment. Rep. H. Gwendolyn Jones for Judiciary.



Spouses are made liable for each other's medical assistance and parents for their children under 21 and blind or totally disabled.

#### AMENDMENT

Amend RSA 167:3-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

167:3-b Responsibility for Public Medical Assistance. The provisions of RSA 167:2, 3 and 3-a, do not apply to the administration of medical assistance, except with respect to the spouse of the individual who needs medical care or services, or the parent of such individual, if said individual is under twenty-one and is either blind or permanently and totally disabled.

Rep. Frizzell explained the explanation to HB 428.

(discussion)

Amendment adopted.

Ordered to third reading.

#### HB 452

authorizing courts to suspend the license to operate a motor vehicle for failure to answer a motor vehicle summons. Inexpedient to legislate. Rep. Spirou for Judiciary.

Present statutes adequate.

Resolution adopted.

#### HB 515

providing for repeal of gambling offenses. Inexpedient to legislate. Rep. H. Gwendolyn Jones for Judiciary.

Would abolish all controls on gambling in the state.

Resolution adopted.

#### HB 479

relative to the time of installation of town officials. Ought to pass. Rep. G. Winthrop Brown for Municipal and County Government.

Legislation provides for a period after election for newly elected town officials to make advance preparations before actually taking office.

At the request of Rep. Hackler, Rep. Benton answered questions.

Ordered to third reading.

## HJR 29

appropriating money for bank interest relief of towns and cities required to borrow in anticipation of taxes and appointing a committee to study the long term aspects of the problem. Inexpedient to legislate. Rep. Benton for Municipal and County Government.

Municipalities have the option of effecting tax collection on a semi-annual basis, or of operating on a fiscal year basis; said procedures would largely negate the requirement for borrowing in anticipation of taxes. Further, reimbursement by the state of one-half of the interest charge could lead to borrowing by municipalities where not absolutely necessary.

Rep. Milbank moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Benton spoke against the motion.

Rep. Nims spoke in favor of the motion.

At the request of Rep. Benton, Rep. Milbank answered questions.

Motion lost.

Resolution adopted.

## HB 335

to provide for designate alternate members to serve in absence of the regular members of the New England Interstate Water Pollution Control Commission. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Enables chairman of Water Supply and Pollution Control Commission to designate alternate members of the commission to serve in the absence of regular members of the New England Interstate Water Pollution Control Commission.

## AMENDMENT

Amend RSA 488:3 as inserted by section 1 of the bill by inserting in line nine after the word "chairman" the following (of the New Hampshire water supply and pollution control commission) and by striking out in lines nine and ten the words "alternate members" and inserting in place thereof the following (alternate members from among the membership of the water supply and pollution control commission) so that said section as amended shall read as follows:

488:3 Commissioners. After the aforesaid compact shall become effective and operative as provided in RSA 488:2, the governor, with advice and consent of the council, shall designate or appoint five persons to serve as commissioners to the New England Interstate Water Pollution Control Commission, hereinafter called the commission. One of such commissioners shall be an employee of the state water supply and pollution control commission, and the other four commissioners shall be appointed from the membership of the New Hampshire water supply and pollution control commission, one of whom shall be the chairman of said commission ex officio. The chairman of the New Hampshire water supply and pollution control commission may designate alternate members from among the membership of the water supply and pollution control commission to serve in the absence of the regular members of the New England Interstate Water Pollution Control Commission, whenever necessary to assure a majority of the membership present at every meeting. Such designated alternates shall be compensated in accordance with the provisions of RSA 488:4. Said commissioners, except the chairman of the New Hampshire water supply and pollution control commission, shall hold office for a term of four years each. Vacancies shall be filled for the remainder of unexpired terms, in the same manner as original appointments are made. The terms of commissioners first appointed shall begin on the date when the compact aforesaid becomes effective and operative in accordance with RSA 488:2.

Amendment adopted.

Ordered to third reading.

The Speaker called for the Special Order on:

**HB 277**

providing for a privilege for reporters. Ought to pass with amendment. Rep. Buckley for Judiciary.

As amended protects the confidential source of information to the news media (defined) but the privilege not available in any action of libel or to a witness called by the defendant in a criminal proceeding.

Rep. Nelson moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. Cecelia L. Winn and Brungot spoke in favor of the motion.

Rep. Coutermarsh spoke against the motion.

(Deputy Speaker in the Chair)

Rep. Rock spoke against the motion.

Rep. Gerry F. Parker spoke in favor of the motion.

Reps. McLane, McManus, Currier and Daniell spoke against the motion.

At the request of Rep. T. Anne Webster, Rep. Rock answered questions.

Rep. Close spoke against the motion.

A division was requested.

Rep. McManus challenged the count.

195 members having voted in the affirmative and 84 in the negative, the motion was adopted.

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Rep. Hager wishes to be recorded in favor of HB 277.

#### RECONSIDERATION

Rep. Nelson moved reconsideration on HB 277.

Reconsideration lost.

#### HB 305

enacting a code of ethics for the state. Ought to pass with amendment. Rep. H. Gwendolyn Jones for Judiciary.

As amended establishes a code of ethics for members of the general court, the executive branch and employee of either. It does not cover the judiciary which has its own code. The amendments delete references to filing of statements.

Rep. Lawton moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. H. Gwendolyn Jones, Sara M. Townsend and McManus spoke against the motion.

Reps. Gorman and Coutermarsh spoke in favor of the motion.

Reps. Doris L. Thompson, Joseph M. Eaton and Merrill moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted.

#### **SB 46**

relative to disqualification of certain officials in the city of Manchester for employment by the city. Majority: Ought to pass; Rep. Spirou for Manchester Delegation. Minority: Inexpedient to legislate. (Rep. Horan)

Majority: This bill will prevent an alderman or school board member from accepting employment with compensation during the term for which he is elected.

Minority: No valid reason can be given for prohibiting an elected official from resigning and accepting an appointive position.

Rep. Vachon moved that SB 46 be made a special order for Thursday next and spoke in favor of the motion.

Reps. Spirou and Dupont spoke against the motion.

Rep. Belair moved the previous question.

Sufficiently seconded.



Rep. Merrill challenged the vote.

Adopted.

Motion lost.

Ordered to third reading.

## **HB 74**

relative to regulation of the practice of pharmacy. Ought to pass with amendment. Rep. Donald K. Howard for Public Health and Welfare.

This bill revises the pharmacy statute in order to include hospitals and nursing home pharmacies. The amendment adds two more members to the board and increases per diem from \$25. to \$30.

### **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Eligibility. Amend RSA 318:3 by striking out said section and inserting in place thereof the following:

318:3 Eligibility. The members except the consumer member, shall have been registered pharmacists for at least ten years, and at the time of their appointment shall have conducted a pharmacy in this state for at least five years.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Compensation. Amend RSA 318:4, as amended, by striking out in line two the word "twenty-five" and inserting in place thereof the following (thirty) so that said section as amended shall read as follows:

318:4 Compensation. The members of the commission shall be paid thirty dollars a day and their necessary expenses while actually engaged in the performance of their duties, not exceeding twenty-five days annually.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Definition. Amend RSA 318:1, as amended, by inserting after paragraph XIII the following new paragraph:

XIV. "At retail" means the dispensing of drugs and medicines to a consumer who presents a prescription to be filled, whether or not such drugs or medicines are dispensed for a valuable consideration.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 When Registration of Pharmacies Required. Amend RSA 318:37 by striking out in line one and line two the word "store" and inserting in place thereof the following (pharmacy), so that said section, as amended, shall read as follows:

318:37 Required, When. No person shall conduct a pharmacy for the sale at retail of drugs and medicines unless such pharmacy is registered with and a permit therefor has been issued by, the board of pharmacy, except as herein provided.

Amend the bill by striking out all after section 12 and inserting in place thereof the following:

13 Increased Pharmacy Commission. Amend RSA 318:2 by striking out said section and inserting in place thereof the following:

318:2 Appointment. There shall be a commission of pharmacy and practical chemistry consisting of five members, one of whom shall be a consumer unrelated to the field of pharmacy and at least one, but no more than two, of the remaining members who shall be engaged full-time in the practice of hospital pharmacy, which members are to be appointed by the governor with the advice and consent of the council for terms of three years and until their successors are appointed and qualified. Vacancies shall be filled for the unexpired term.

14 Transition. The three members of the commission of pharmacy and practical chemistry in office on the effective date of this act shall serve out their terms of office. The two additional members provided for in RSA 318:2 as amended by section 13 of this act shall be appointed for terms of one and two years respectively. Thereafter all members shall be appointed for terms of three years as provided in RSA 318:2.

15 Effective Date. This act shall take effect sixty days after its passage.

Reps. Ezra B. Mann and Chandler spoke against the amendment.

Reps. Roma A. Spaulding, Chris K. Andersen and Pierce spoke in favor of the committee report.

(discussion)

Amendment adopted.

Rep. Mann moved that HB 74 be indefinitely postponed and spoke in favor of the motion.

Rep. Pierce spoke against the motion.

Rep. Gerry F. Parker requested a division and subsequently withdrew his request.

Motion lost.

Referred to Appropriations.

#### HJR 17

establishing a study committee to evaluate the division of welfare and its operations and making an appropriation therefor. Majority: Inexpedient to legislate; Rep. Daniell for Public Health and Welfare. Minority: Ought to pass with amendment. (Reps. Donald K. Howard, Mary J. Sullivan, Helen F. Wilson and Sweeney)

Majority: Bill is ineffective to accomplish purpose for which it purports to be drawn.

Minority: Sets up a study committee to report back to the Legislature relative to welfare no later than December 15, 1974.

Rep. Donald K. Howard moved that the report of the Minority, ought to pass with amendment, be substituted for the report of the Majority, inexpedient to legislate, and spoke in favor of the motion.

Rep. Daniell spoke against the motion.

Rep. Stevenson spoke in favor of the motion.

(discussion)

Reps. Haller and George B. Roberts, Jr. spoke against the motion.

Rep. Daniell spoke a second time against the motion.

Rep. Mary J. Sullivan spoke in favor of the motion.

Rep. Sweeney requested a division.

It being manifestly in the negative, the motion lost.

Resolution adopted.

(Speaker in the Chair)

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Consent Calendar Day, March 28.

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The Speaker announced that anyone interested in meeting with the Governor, on a group basis, may meet Wednesday from 9 to 9:30 a.m. in the Governor's Council Chamber.

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Rep. Zachos moved that all bills not acted upon today be made a Special Order for Thursday next.

Adopted.

HB 102, to provide for the repayment of the Vermont Grant for the Lebanon Regional Airport, and making an appropriation therefor.

HB 395, relative to consumer credit reports.

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company.

CACR 21, relating to the origination of revenue-raising bills. Providing that either the house or the senate may originate revenue-raising bills.

CACR 24, relating to adoption of constitutional amendments by three-fifths of voters. Providing that proposed constitutional amendments may be approved by three-fifths of the voters present and voting on the subject.

CACR 25, relating to compensation of members of the general court. Providing that the compensation of members of the general court and the presiding officers of both houses shall be increased respectively to two thousand and two thousand five hundred dollars per biennium.

CACR 26, relating to compensation of the members of the legislature. Providing that each senator and representative receive twenty-five dollars per diem for each day of attendance in addition to compensation for mileage presently provided.

CACR 27, relating to amending the state constitution. Providing that voters may propose constitutional amendments by petition.

HB 383, relative to filing a report of catch of fur-bearing animals.

HB 460, requiring mandatory introduction in evidence of defendant's drivers record in all cases of driving while intoxicated, reckless driving and after revocation or suspension of license; and making an appropriation therefor.

HB 148, requiring the furnishing of generic as well as brand names by physicians prescribing drugs.

HR 4, requesting an advisory opinion from New Hampshire Supreme Court on validity of seconding motion for roll call.

HR 9, in opposition to the granting of amnesty.

HCR 13, memorializing the Congress of the United States not to rebuild North Vietnam.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns, it adjourn to meet tomorrow at 11:00 a.m.

Adopted.

## LATE SESSION

### Third reading and final passage

HB 193, requiring open vehicles to be covered when carrying particulate material.

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire.



HB 479, relative to the time of installation of town officials.

HB 335, to provide for designate alternate members to serve in absence of the regular members of the New England Interstate Water Pollution Control Commission.

HB 428, relative to certain relatives' responsibility in medical assistance cases.

HB 354, relating to arrest without a warrant.

HJR 22, in favor of the North Conway fire department for rescue operations.

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city.

#### RECONSIDERATION

Rep. Haller moved reconsideration on HJR 17, establishing a study committee to evaluate the division of welfare and its operations and making an appropriation therefor.

Reconsideration lost.

#### RECONSIDERATION

Rep. Spirou moved reconsideration on SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city.

Reconsideration lost.

#### RECONSIDERATION

Rep. James W. Murray moved reconsideration on HB 193, requiring open vehicles to be covered when carrying particulate material.

Reconsideration lost.

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On motion of Rep. Joseph M. Eaton, the House adjourned at 6:12 p.m.

*Wednesday, 28Mar73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord, Our God**, I so easily accommodate myself to the facts of war, of hunger, of hate, of destruction — I shrug and call these "facts of life". Dear God, heal my sickness. Give me the eyes and ears and tongue and breath of Christ. He chose to go to hell and back again for me, and now I do not have to go that way. I want to be whole and sane and alive. Dear God, heal me and help me. Amen.

**PLEDGE OF ALLEGIANCE**

Rep. Joseph L. Cote led the Pledge of Allegiance.

**LEAVES OF ABSENCE**

Rep. Martineau, today and tomorrow, death in the family.

Rep. Griffin, today and tomorrow, important business.

Rep. Shea, the day, illness in family.

**RESOLUTION**

Rep. Bigelow offered the following:

*Resolved*, that in accordance with the list in the possession of the Clerk, House Bill numbered 714 and Concurrent Resolution Proposing Constitutional Amendment numbered 31 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

**INTRODUCTION OF HOUSE BILL & CACR**

First, second reading and referral

HB 714, to define the offshore jurisdiction of the state and establishing a marine boundaries commission. (Roberts of Belknap Dist. 4; Read of Rockingham Dist. 4; Warren of Grafton Dist. 5; Griffin of Rockingham Dist. 4; Parr of Rockingham Dist. 12 — To Fish and Game and Interstate Cooperation.)

CACR 31, Relating to: The Tenure of Superior Court Justices. Providing that: Superior Court Justices Shall Serve Five Year Terms. (Cote of Hillsborough Dist. 28 — To Constitutional Revision.)

## SENATE MESSAGES

### ADOPTION COMMITTEE OF CONFERENCE REPORT

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 11, providing for annual summary fiscal reports. Executive Departments and Administration.

SB 79, appropriating certain funds held in escrow by the department of Resources and Economic Development. Appropriations.

SB 38, authorizing the real estate commission to expend from examination fees whatever sums are necessary to hire a testing service. Executive Departments and Administration.

SJR 3, making an appropriation for funds to pay actuary costs to determine the contribution required of the state to include in the state retirement plan. Executive Departments and Administration.

## ENROLLED BILLS REPORT

HB 106, eliminating the filing period for absentee registration and making absentee registration forms available from city or town clerks.

HB 132, relative to definition of resident under fish and game laws.

HB 161, legalizing the annual town meeting of the town of Warren.

HB 171, increasing the maximum pension allowed for certain firemen, police officers and constables.

HB 192, relative to the definition of civil defense and the civil defense executive council.

HB 204, establishing a New Hampshire fruit marketing committee.

HB 229, allowing chiropractors to participate in medical service corporations.

HB 230, requiring that the mayor of the city of Nashua be elected by majority vote and providing for a run-off election relative to the same.

HB 304, prohibiting the publication of names of the elderly receiving an exemption from property taxes.

HB 362, to reclassify a certain highway in the town of Whitefield.

Mabel L. Richardson  
*For The Committee*

### EXTENSION

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 418, providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor.

Granted.

### COMMITTEE REPORT

#### HB 353

regulating halfway houses. Ought to pass with amendment.  
Rep. John H. Perkins, Jr. for Public Health and Welfare.

This creates a new chapter in the RSA. Provides for registering of halfway houses in the state, and provides for an advisory committee to advise the commissioners of the department of health and welfare as to recommended minimum standards.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
requiring registration of halfway houses.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Registration of Halfway Houses. Amend RSA by inserting after chapter 172 the following new chapter:

Chapter 172-A  
Registration of Halfway Houses

172-A:1 Definition. A halfway house is a supervised residential therapeutic facility designed to provide a specified program of assistance and/or treatment for its residents in order to aid them to overcome personal disabilities which interfere with the conduct of their lives. Disabilities treated in halfway houses include, but are not limited to; alcoholism, drug dependence, alienated youth, mental illness, and persons with a history of anti-social or criminal behavior.

172-A:2 Certificate of Registration. Any person, firm, corporation or association who operates a halfway house shall obtain a certificate of registration from the commissioner of the department of health and welfare or his designees.

172-A:3 Requirements for Registration. Before a certificate of registration is granted to any person, firm, corporation or association purporting to operate a halfway house, they shall report to the commissioner on forms suitable to him the following minimum information:

- I. The name and address of the sponsoring person, firm, corporation or association;
- II. If incorporated, the names and addresses of principal officers and stockholders;
- III. A description of proposed halfway house site and residency capacity;
- IV. The maximum number of residents to be accommodated;
- V. A description of rehabilitation techniques to be employed at the facility;
- VI. The ages and sexes of those to be admitted to the facility; and



VII. A list of any federal, state or local regulations presently governing the operation of the halfway house.

172-A:4 Advisory Committee; Establishment and Duties. There shall be a halfway house advisory committee to the commissioner which shall consist of three members of the house of representatives appointed by the speaker, one of which shall be a member of the house committee on health and welfare, one member of the senate appointed by the president, and seven other members, one from the state council on aging, one from the state prison staff, one from the program on alcohol and drug abuse within the division of public health of the department of health and welfare, two non-professional persons, one professional person and one who represents halfway houses, appointed by the commissioner with the approval of governor and council. The governor shall designate one member of the committee as chairman. Members of this committee shall be appointed for three year terms; except in the first year of the committee's existence in which the commissioner shall have the discretion to appoint not more than seven members to the committee with staggered terms not to exceed three years in length so as to provide some continuity of membership on the committee in future years. Members of this committee shall receive no compensation. The advisory committee shall advise the commissioner on general policies involved in the establishment of halfway houses within the state and more specifically shall advise the commissioner and/or his designees on recommended minimum standards to be adopted in the future by the committee to govern the activities of halfway houses.

172-A:5 Penalty. If any person shall violate any of the provisions of this chapter, he shall be subject to the following penalty:

I. If the offense occurs prior to November 1, 1973, he shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both;

II. If the offense occurs on or after November 1, 1973, he shall, if a natural person, be guilty of a misdemeanor, and any other person shall be guilty of a felony. Each day a violation continues to exist shall constitute a separate offense.

172-A:6 Other Action. In addition, to the penalties provided in RSA 172-A:5 the commissioner may institute in any

court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation hereof and the court may adjudge relief by way of injunction, which may be mandatory or otherwise, as may be proper under all the facts and circumstances of the case, in order to fully effectuate the purpose of this chapter.

Amendment adopted.

Ordered to third reading.

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The Speaker announced Wednesday next, April 4, will be Consent Calendar Day.

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Rep. Bigelow moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only, and when the House adjourns, it adjourn to meet tomorrow at 11:00 a.m.

Adopted.

### LATE SESSION

Third reading and final passage

HB 353, requiring registration of halfway houses.

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On motion of Rep. Sweeney, the House adjourned at 11:25 a.m.

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*Thursday, 29Mar73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Francis J. O'Connor, of Manchester.

O Father, help us, bearing the previous name of Christ, to be filled with the knowledge of His will, in all wisdom and understanding. May we be fully pleasing to Him, bearing fruit

in every good work and increasing in the knowledge of God. Where physical strength and health is needed, grant Thy healing power. Where courage is weak, fill hearts with a new consciousness of Thy abiding presence. Where apathy and indifference have taken possession, convince, revive and guide, O Lord, strengthen Thy people. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Langdell led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Matheson, Sara M. Townsend, William P. Boucher and Van Loan, the day, important business.

### RESOLUTION

Rep. Bigelow offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 705 through 713 and 715 through 739 and House Joint Resolution number 43 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committee.

Adopted.

### INTRODUCTION OF HB's & HJR

First, second reading & referral

HB 705, relative to exempting income derived from state or municipal bonds and notes of certain states. (Tilton of Grafton Dist. 1 — To Ways and Means.)

HB 706, providing for a permanent retirement system for employees of the City of Manchester if adopted on referendum. (Daniels of Hillsborough Dist. 25; McDonough of Hillsborough Dist. 29; Martineau of Hillsborough Dist. 35 — To Special Committee on Manchester Delegation.)

HB 707, providing that the flag of the United States shall be displayed and flown at polling places. (Murray of Belknap Dist. 9; Maguire of Belknap Dist. 9 — To Municipal and County Government.)

HB 708, relative to fraudulent receipt of welfare assistance. (Haller of Merrimack Dist. 14 — To Public Health and Welfare.)

HB 709, revising the personnel laws to permit arbitrated appeals and political activity. (McDonough of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 710, relative to licensing motor vehicle physical damage appraisers. (Murray of Belknap Dist. 9 — To Transportation.)

HB 711, relative to the location of the proposed Cheshire county courthouse. (Forcier of Cheshire Dist. 8 — To Special Committee on Cheshire County Delegation.)

HB 712, relative to posting of uncultivated lands. (Patrick of Coos Dist. 1 — To Resources, Recreation and Development.)

HB 713, permitting certain employees to contribute toward the purchase of group life insurance. (Milne of Hillsborough Dist. 25 — To Banks and Insurance.)

HB 715, providing for the appointment of a Hillsborough county nursing home administrator. (Murray of Hillsborough Dist. 3; Hall of Hillsborough Dist. 12; Colburn of Hillsborough Dist. 6 — To Special Committee on Hillsborough County Delegation.)

HB 716, to codify the Uniform Partnership Act. (Milne of Hillsborough Dist. 25; Zachos of Hillsborough Dist. 25; McManus of Strafford Dist. 17 — To Judiciary.)

HB 717, relative to appealing the emergency interim succession act. (Davis of Merrimack Dist. 15 — To Statutory Revision.)

HB 718, relative to real estate investments by cooperative banks, building and loan associations and savings and loan associations. (Burleigh of Merrimack Dist. 12 — To Banks and Insurance.)

HB 719, relative to county election contests. (Ineson of Strafford Dist. 9 — To Municipal and County Government.)

HB 720, relative to amending the RSA by deleting the word "poll" and substituting where applicable the word "resident". (Kopperl of Merrimack Dist. 9 — To Ways and Means.)

HB 721, increasing sick leave benefits for conservation officers. (Chamberlin of Grafton Dist. 2; Scott of Sullivan Dist. 6 — To Executive Departments and Administration.)

HB 722, enlarging the scope of the sweepstakes operation. (Sayer of Rockingham Dist. 5 — To Ways and Means.)

HB 723, establishing an exemption from property taxes for certain persons over sixty-five years of age. (Sayer of Rockingham Dist. 5 — To Ways and Means.)

HB 724, relative to reporting new owners of mobile homes. (Chandler of Merrimack Dist. 3; Bigelow of Merrimack Dist. 3 — To Municipal and County Government.)

HB 725, to prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators. (Murray of Belknap Dist. 9; D'Amante of Sullivan Dist. 5; Hamel of Rockingham Dist. 11 — To Transportation.)

HB 726, to require all accident and health insurance policies issued in the state to be without exclusions. (Seamans of Hillsborough Dist. 15 — To Banks and Insurance.)

HB 727, establishing a department of finance, administration and revenue, and making an appropriation therefor. (Rules Committee for: O'Neil of Cheshire Dist. 2; Coutermarsh of Hillsborough Dist. 24; Drake of Coos Dist. 3; Stevenson of Grafton Dist. 3; Huot of Belknap Dist. 6 — To Executive Departments and Administration.)

HB 728, relative to physical therapists practice. (Beaulieu of Hillsborough Dist. 31 — To Public Health and Welfare.)

HB 729, authorizing the general court to apply for and receive federal funds. (Zachos of Hillsborough Dist. 25 — To Legislative Administration.)

HB 730, providing for regional vocational education programs and making an appropriation therefor. (Zachos of Hillsborough Dist. 25; Chase of Carroll Dist. 4; Dunham of Cheshire Dist. 5; Coutermarsh of Hillsborough Dist. 24; Smith of Hillsborough Dist. 27; Fortier of Coos Dist. 6 — To Education.)

HB 731, relative to the penalty for first offense driving while intoxicated. (Hamel of Rockingham Dist. 11 — To Judiciary.)



HB 732, requiring teachers to display the certificate of qualification. (Chandler of Merrimack Dist. 3; Bigelow of Merrimack Dist. 3 — To Education.)

HB 733, relative to detention of tenant's property. (O'Connor of Strafford Dist. 15 — To Judiciary.)

HB 734, relative to the establishment of new positions in the county government of Hillsborough county. (Bednar of Hillsborough Dist. 14; Nutting of Hillsborough Dist. 14 — To Special Committee on Hillsborough County Delegation.)

HB 735, to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance. (Mann of Grafton Dist. 6 — To Municipal and County Government.)

HB 736, relative to the registration and licensing of barbers. (Ferguson of Hillsborough Dist. 11 — To Public Health and Welfare.)

HB 737, providing for premium pay for excess hours. (McDonough of Hillsborough Dist. 29; Cote of Hillsborough Dist. 28; Ineson of Strafford Dist. 8 — To Labor, Human Resources and Rehabilitation.)

HB 738, limiting a divorcee's alimony by reason of his or her reasonable earning capacity. (Sweeney of Hillsborough Dist. 34 — To Judiciary.)

HB 739, relative to the selection of engineers and architects. (Newell of Merrimack Dist. 16 — To Executive Departments and Administration.)

HJR 43, relative to retirement credit for Clarence W. Metcalf. (Woodward of Merrimack Dist. 20 — To Executive Departments and Administration.)

## SENATE MESSAGES

### CONCURRENCE

HB 128, enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters.

### NONCONCURRENCE

### REQUESTS COMMITTEE OF CONFERENCE

Joint Rules.

The President appointed Sens. Poulsen, Spanos, Porter, Downing, and Trowbridge.

Rep. George B. Roberts, Jr. moved that the House accede to a Committee of Conference.

Adopted.

The Speaker appointed Reps. George B. Roberts, Jr., Coutermarsh, James E. O'Neil, Sr., Vachon, Weeks, Russell C. Chase, Belcourt and Cassassa.

### INTRODUCTION OF SCR

First, second reading & referral

SCR 4, relative to the National Service Life Insurance for Veterans. Claims, Military and Veterans Affairs.

### CONCURRENCE HB WITH SENATE AMENDMENT

HB 228, relative to requirements for renewal of chiropractor's license.

(Amendment printed in the SJ March 22nd.)

Rep. Roma A. Spaulding moved that the House concur with the Senate amendment.

Adopted.

### ENROLLED BILLS REPORT

HB 128, enabling the director of fish and game to enter into cooperative agreements with individuals, partnerships and corporations relative to fishways and other matters.

SB 31, providing for the establishing of May 30th as Memorial Day and November 11th as Veterans Day in the state of New Hampshire.

SB 46, relative to disqualification of certain officials in the city of Manchester for employment by the city.

Katherine J. Harriman

*For The Committee*

### VACATES

Rep. McLane moved that the House vacate the reference of HB 627, to provide for a county hospital administrator in

place of one member-at-large, not a member of the medical profession to the committee on Executive Departments and Administration and re-refer said bill to the committee on Statutory Revision.

Adopted.

Rep. Bigelow moved that the House vacate the reference of HB 663, relative to reporting all unfavorable credit or personnel information on consumer to the consumer to the committee on Statutory Revision and re-refer said bill to the committee on Banks and Insurance.

Adopted.

### EXTENSION

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 363, relative to persons qualified to vote.

Granted.

### SUSPENSION OF RULES

Rep. Harvell moved that the rules of the House be so far suspended as to allow the granting of an extension not later than May 1 to the committee on Constitutional Revision on HB 376, providing for a commission to study the state constitution in preparation for the 1974 constitutional convention.

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS

#### SB 13

relative to conservation officer Warren Jenkins. Ought to pass with amendment. Rep. Drake for Appropriations.

Amendment clarifies the nature of the payments, provides the state with a lien on any judgment as with Workmen's Compensation benefits and confirms Mr. Jenkins' status as a classified employee.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Additional Sick Leave. Notwithstanding the provisions of RSA 99:2-d (Supp) to the contrary, Warren Jenkins of Errol, New Hampshire, a conservation officer in the department of fish and game shall be entitled to such additional sick leave as shall be necessary to permit the said Warren Jenkins under the provisions of RSA 99:2-e (Supp) to supplement any benefits to which he may be entitled under RSA 281 so that the said Warren Jenkins shall continue to receive an amount equal to his regular salary during the period beginning March 23, 1973 and ending June 30, 1975 or until the said Warren Jenkins ceases to be entitled to compensation for total disability under RSA 281:23 whichever shall occur first. The state of New Hampshire shall have a lien against any amount recovered by the said Warren Jenkins against any third party on account of any sums expended as additional sick leave under the provisions of this section under the same provisions and subject to the same conditions and limitations as are provided for the lien created by RSA 281:14, I through IV inclusively and subject to waiver under the provisions of RSA 281:14 V.

2 Status as Employee. Nothing in this act shall operate to alter or affect the status of Warren Jenkins as a classified employee of the state of New Hampshire or his rights and benefits except that he shall not, during the time he is receiving benefits under the provisions of this act, accumulate annual leave or sick leave; nor shall anything in this act be construed to prevent the employment of Warren Jenkins by the department of fish and game in a capacity other than that of conservation officer or to require the termination of his employment at any particular time; provided, however, that no transfer or reassignment of the said Warren Jenkins under the provisions of RSA 98 and the rules and regulations promulgated thereunder shall operate to affect any rights he may have under the provisions of RSA 281: nor shall any language contained in this act be so construed as to alter the character of the payments made hereunder for the purposes of the federal internal revenue code as "sick pay".

3 Effective Date. This act shall take effect March 23, 1973.

Rep. Raymond explained the position of the committee on the amendment.

Amendment adopted.

Ordered to third reading.

## SUSPENSION OF RULES

Rep. Chamberlin moved that the rules of the House be so far suspended as to place SB 13 on third reading and final passage at the present time.

Rep. Vachon spoke in favor of the motion.

Adopted by the necessary two-thirds.

Third reading and final passage

SB 13, relative to conservation officer Warren Jenkins.

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The Speaker called for the Special Order on:

**HB 102**

to provide for the repayment of the Vermont Grant for the Lebanon Regional Airport, and making an appropriation therefor. Ought to pass with amendment. Rep. Drake for Appropriations.

Pays accumulated interest in accordance with the statutory formula and repays the state of Vermont the amount owed on the Lebanon Regional Airport.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

Providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport; and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Disposition of Interest. The aeronautics commission is hereby directed, authorized and empowered to pay to airport sponsors their fair share of the air carrier escrow interest as follows:



Keene	\$847.77
Lebanon	817.03
Manchester	2,613.17
	<hr/>
	\$4,277.97

These funds are to be expended for construction, operation or maintenance of public landing areas only.

2 Repayment of Vermont Grant. The state treasurer is hereby directed, authorized and empowered to pay in full the outstanding balance of five thousand nine hundred twenty-six dollars and ninety-five cents due on the Vermont Grant, which the state treasurer was authorized to repay on an annual percentage basis under the provisions of 1961, 272:1.

3 Appropriation. There is hereby appropriated for the purposes of section 1 of this act the sum of four thousand two hundred seventy-seven dollars and ninety-seven cents and for the purposes of section 2 of this act the sum of five thousand nine hundred twenty-six dollars and ninety-five cents which shall be charged as follows: eight thousand five hundred fifty-five dollars and ninety-five cents against the accumulated interest on funds collected pursuant to 1969, 391:1 that were held in escrow by order of the Merrimack County Superior Court pending the final decision on the constitutionality of 1969, 391:1, and one thousand six hundred forty-eight dollars and ninety-seven cents against air carrier service fees not otherwise appropriated. The governor is authorized to draw his warrant for the sums hereby appropriated.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

## HB 417

providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company. Ought to pass with amendment. Rep. Gelinis for Banks and Insurance.

Makes examination fee for state chartered trust companies the same as all other state chartered banks.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company and changing the notice requirements when the charter is amended.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Petition for Charter Amendment. Amend RSA 392:27 by striking out in line seven the words "Thereupon proceedings shall be had as provided in sections 6 to 9." so that said section as amended shall read as follows:

392:27 Petition. Any such corporation organized under this chapter or chartered prior to the passage thereof may file with said board of incorporation a petition setting forth an amended certificate of incorporation or an amended charter, as the case may be, within the provisions of this chapter, and praying for a decision of the question whether the public convenience and advantage will be promoted by the proposed amendment.

3 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**CACR 21**

relating to the origination of revenue-raising bills. Providing that either the house or the senate may originate revenue-raising bills. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

Committee feels this has merit but should be considered by Constitutional Convention.

Resolution adopted.

**CACR 24**

relating to adoption of constitutional amendments by

three-fifths of voters. Providing that proposed constitutional amendments may be approved by three-fifths of the voters present and voting on the subject. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

Committee felt this had merit but should be considered by Constitutional Convention.

Resolution adopted.

#### **CACR 25**

relating to compensation of members of the general court. Providing that the compensation of members of the general court and the presiding officers of both houses shall be increased respectively to two thousand and two thousand five hundred dollars per biennium. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

This resolution should be considered by Constitutional Convention along with other bills dealing with the size and/or compensation of the legislature.

Resolution adopted.

#### **CACR 26**

relating to compensation of the members of the legislature. Providing that each senator and representative receive twenty-five dollars per diem for each day of attendance in addition to compensation for mileage presently provided. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

This resolution should be considered by Constitutional Convention along with other bills dealing with the size and/or compensation of the legislature.

Resolution adopted.

#### **CACR 27**

relating to amending the state constitution. Providing that voters may propose constitutional amendments by petition. Inexpedient to legislate (as amended). Rep. Joncas for Constitutional Revision.

The committee felt this should be considered and further studied by Constitutional Convention.

Resolution adopted.

**HB 383**

relative to filing a report of catch of fur-bearing animals. Ought to pass with amendment. Rep. Huggins for Fish and Game.

A report of catch at the end of the trapping season of fur-bearing animals to be made to the director of fish and game. The director can impose a sanction for refusing to issue a license to take fur-bearing animals for failing to comply with the law.

**AMENDMENT**

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1 Report of Catch; Filed. Amend RSA 210:21 (supp) as inserted by 1969, 93:1, by striking out in line one the words "June thirtieth" and inserting in place thereof the following (May fifteenth) and by striking out in lines two and three the words "report his catch to a conservation officer for the year" and inserting in place thereof the following (file with the director a report of his catch for the current trapping season. The director shall furnish blanks for said report) so that said section as amended shall read as follows:

210:21 Report of Catch. On or before May fifteenth of each year, every person licensed to take fur-bearing animals shall file with the director a report of his catch for the current trapping season. The director shall furnish blanks for said report.

Amend section 3 of said bill by striking out the same and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 460**

requiring mandatory introduction in evidence of defendant's drivers record in all cases of driving while intoxicated, reckless driving and after revocation or suspension of license; and making an appropriation therefor. Ought to pass with amendment. Rep. Hamel for Transportation.

Amendment clarifies who shall ask for the record and corrects the appropriation figures.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Director of Motor Vehicles Required to Furnish Driver's Record. Amend RSA 262-A by inserting after section 66 the following new section:

262:66-a Defendant's Driver's Record Required. In all cases when any person has been arrested or summoned for driving while under the influence, reckless driving, or driving after revocation or suspension of his operator's license, the arresting officer or prosecuting officer shall request from the director of motor vehicles, and the director of motor vehicles shall furnish to the arresting officer a true copy of the defendant's driver's record. In addition to the evidence submitted to the court in connection with one or more of the aforementioned charges, the arresting officer shall submit a true copy of the defendant's driver's record, which the court shall consider in determining the sentence rendered.

Further amend the bill by striking out section 2 of same and inserting in place thereof the following:

2 Appropriation. The sum of six thousand four hundred seventy-nine dollars is hereby appropriated to the division of motor vehicles, department of safety, for the fiscal year ending June 30, 1974; and five thousand seven hundred ninety-three dollars and eighteen cents is appropriated for the fiscal year ending June 30, 1975. These sums are in addition to any other appropriation to the division of motor vehicles, department of safety, and shall be expended for the following purposes:

	<i>Fiscal</i> <i>1974</i>	<i>Fiscal</i> <i>1975</i>
Personnel services, clerk steno II (1)	\$5,174.00	\$5,393.18
Office equipment	905.00	—0—
Other expenditures	400.00	400.00
	<hr/>	<hr/>
	\$6,479.00	\$5,793.18

The governor is hereby authorized to draw his warrant for



said sums out of any money in the treasury not otherwise appropriated.

At the request of Rep. T. Anne Webster, Rep. Hamel answered questions.

Amendment adopted.

Referred to Appropriations.

#### HB 148

requiring the furnishing of generic as well as brand names by physicians prescribing drugs. Majority: Ought to pass with amendment. Rep. Daniell for Public Health and Welfare. Minority: Inexpedient to legislate. (Rep. Sweeney)

Majority: This bill provides for the compiling of a list of certain prescription drugs by the director of the division of public health services department of health and welfare. This list will give both the brand and generic names, and the list will be distributed to all physicians in the state. Physicians prescribing drugs on this list will be required, under penalty of a fine, to also include the words "or its generic equivalent drug listed in New Hampshire drug formulary" as well as brand name. Patients receiving such prescription shall have the option of asking for the drug under either the brand or generic name.

Minority feels that the danger inherent in this bill far outweighs whatever monetary saving might occur because of the bill.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### An Act

relative to furnishing generic as well as brand  
names of prescription drugs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Providing of Generic Names in Physicians' Prescriptions.  
Amend RSA 146 by inserting after section 6, the following new section:

146:6-a Generic Names Required. Every physician prescribing by brand name a drug listed in the formulary prepared by the director of the division of public health services department of health and welfare, under RSA 146:11, shall in each such prescription, oral or written, also include the words "or its generic equivalent drug listed in N. H. drug formulary". Any person receiving such prescription from a physician shall have the option of purchasing the prescription drug under either its brand name or its generic name. Any physician failing to include this information shall, prior to November 1, 1973 be fined twenty-five dollars and on or after November 1, 1973 be guilty of a violation.

2 Compiling a List of Brand Names for Drugs and their Generic Equivalents.

Amend RSA 146:11, as amended, by striking out said section and inserting in place thereof the following:

146:11 Enforcement; Rules; Inspections. The department of health and welfare, division of public health services, is charged with the enforcement of this chapter. The director may make rules and regulations for the proper enforcement thereof, including as a part of said rules and regulations, when not inconsistent with existing laws, the adoption of such definitions and standards of identity, standards of quality or fill of container as may from time to time be promulgated under the federal food, drug and cosmetic act, also similar adoption of regulations promulgated under the federal meat inspection act. The director shall cause inspections to be made of the quality, condition and branding of foods and drugs, devices or cosmetics, found on sale, possessed for sale, or in process of manufacture or distribution, and shall collect samples for analysis in its laboratories. The director shall compile a formulary of the two hundred most frequently prescribed types of medication of prescription drugs giving both brand and generic names, if any, and cause such formulary to be distributed to all pharmacies and/or drug stores, physicians, and medical students in the state. All inspectors and other employees appointed by said director shall be permitted access at all reasonable hours to all places of business concerned in the manufacture, production, transportation, distribution and sale of foods and drugs, devices or cosmetics, shall have power to open and examine any package or container of any kind containing, or believed to contain any article of

food or drugs, devices or cosmetics, which may be manufactured, distributed, sold or possessed for sale in violation of the provisions of this chapter and to take samples therefrom for analysis, tendering to the manufacturer, distributor or vendor the value thereof.

3 Effective Date. This act shall take effect sixty days after its passage.

Rep. Russell C. Chase moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Rep. Joseph L. Cote spoke against the motion.

(Rep. George B. Roberts, Jr. in the Chair)

(discussion)

Reps. Chris K. Andersen and Goodrich spoke against the motion.

Rep. Duprey spoke in favor of the motion.

(Speaker in the Chair)

Reps. Mary J. Sullivan, H. Gwendolyn Jones, Daniell, Richard L. Bradley, Lamy, Gordon and Donald K. Howard spoke against the motion.

Reps. Simard, Sweeney and Coutermarsh spoke in favor of the motion.

Motion lost.

Amendment adopted.

Referred to Appropriations.

RECESS

AFTER RECESS

VACATE

Rep. McLane moved that the House vacate the reference of SB 49, relative to prohibited conduct of real estate brokers and salesmen to the committee on Statutory Revision and re-

refer said bill to the committee on Executive Departments and Administration.

Adopted.

## HOUSE RESOLUTION 12

The Constitutional Revision Committee offered the following:

House Bill 704 having been referred to the committee on constitutional revision, and question as to its constitutionality having arisen, the committee recommends the house adopt the following Resolution:

*Resolved* by the House of Representatives in General Court convened:

*Whereas*, HB 704 is pending before this legislature and said bill would establish a non-partison ballot procedure for the election of delegates to the constitutional convention; and

*Whereas*, a question has been raised concerning the constitutionality of said bill in view of the provisions of Articles 99, and 100 Part 2 of the constitution of the State of New Hampshire which provides that delegates to a constitutional convention shall be chosen "in the same manner, . . . as the representatives to the general court"; and

*Whereas*, representatives to the general court are chosen by the so-called Australian ballot system or party system;

*Now Therefore Be It Resolved*, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following question of law;

Would any constitutional provision be violated by the passage of House Bill 704 which provides for a non-partisan ballot to be used for the election of delegates to the constitutional convention in place of an Australian ballot with party designations?

*Be It Further Resolved*, that the Speaker transmit seven copies of this resolution and of House Bill 704 to the clerk of the Supreme Court for consideration by said court.

Adopted.

## COMMITTEE REPORTS CONTINUED

**HB 394**

relative to providing education for handicapped children. Ought to pass with amendment. Rep. Hager for Education.

Much needed and excellent legislation to cover handicapped children age 0 to 4 years old not now covered by RSA 186-A.

## AMENDMENT

Amend the bill by striking out all after section 4 and inserting in place thereof the following:

5 Liability for Transportation. Amend RSA 186-A:9 (supp) as inserted by 1965, 378:1 by inserting in line two after the word "children" the following (who are four years of age or older and) so that said section as amended shall read as follows:

186-A:9 Transportation. The school board shall furnish suitable transportation to all handicapped children who are four years of age or older and who are able to be so transported from their homes to the place where such instruction or training is to be furnished. However, the liability of a school district for transportation shall not exceed for each pupil transported an amount equal to the liability to the district for tuition as specified in RSA 193:4. Where the cost of such transportation would constitute an unreasonable expense the school board shall, at the expense of the district, board the children near the place where such instruction or training is to be furnished and shall provide transportation from the place where the children are boarded to the place of instruction or training. A school district may pay for transportation at a rate per pupil higher than the amount of liability for tuition as specified in RSA 193:4, when in the judgment of the school board the circumstances warrant it.

6 Effective Date. This act shall take effect September 1, 1973.

Amendment adopted.

Ordered to third reading.



**HB 486**

making kindergartens mandatory. Inexpedient to legislate. Rep. Rock for Education.

This mandatory bill provided no funding and was deemed a bad bill by leaving only sixty days to effect accomplishment.

Resolution adopted.

**HB 488**

providing incentive aid for kindergarten programs and making an appropriation therefor. Ought to pass. Rep. Chambers for Education.

This is permissive, not mandatory, legislation regarding kindergartens that the committee felt would be most helpful in providing an incentive for action by school districts.

Referred to Appropriations.

**HB 495**

relative to payment by the state of the cost of educating children living in foster homes. Ought to pass with amendment. Rep. Rock for Education.

This much needed legislation would seem to place the burden of the loss of educating foster children (state wards) where it belongs, i.e. on the state — not the local community where they might be housed.

**AMENDMENT**

Amend RSA 198:26 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

198:26 Time of Computation. As of June thirtieth in each year, the state board shall cause to be computed the amount of annual grants to be paid eligible districts in the succeeding fiscal year as provided herein. For each pupil who is a child placed in a home in the school district during the preceding school year attending elementary, junior high and high school, the grant shall be an amount equal to the respective state average cost per pupil for the preceding school year. If the foster home is located in a pre-existing district within a cooperative district, any aid paid under this subdivision shall be credited to said

pre-existing district. Any available appropriation not fully distributed among the districts in the first year of any biennium may be distributed in the second year if required to meet the formula established.

Amendment adopted.

Referred to Appropriations.

#### **SB 42**

relative to excepting certain pupils from authorized regional enrollment area school agreements. Ought to pass. Rep. Rock for Education.

This appears to be permissive legislation to correct a local problem.

Ordered to third reading.

#### **HB 356**

relative to abandoning animals. Ought to pass. Rep. Greene for Environment and Agriculture.

Defines "cruelty" to include abandoning animals (pets, cats or dogs), to try to survive on their own.

Ordered to third reading.

#### **HB 409**

changing the basis for retirement benefits for group I members from the highest five to the highest three years compensation. Ought to pass with amendment. Rep. Cushman for Executive Departments and Administration.

This bill contains no appropriation. The employees in the New Hampshire Retirement System will absorb the cost. The bill improves benefits for members of the group I system.

### **AMENDMENT**

Amend the bill by striking out all after section 5 of same and inserting in place thereof the following:

6 Retirees Eligible but not Retroactively. The provisions of section 1 of this act shall also apply to those members of the New Hampshire Retirement System who have retired, but shall not apply retroactively. Present retirees become eligible for

payments due after the passage of this act. The additional cost, if any, shall be included in the section 4 method of financing.

7 Effective Date. This act shall take effect July 1, 1973.

Amendment adopted.

Referred to Appropriations.

#### **HB 429**

relative to the elimination of citizenship requirements for public assistance and relative to the local share of assistance in old age assistance, and aid to permanently and totally disabled. Ought to pass. Rep. Roderick H. O'Connor for Executive Departments and Administration.

A bill to bring the New Hampshire law into conformity with the Supreme Court decision abolishing the requirement of citizenship for public assistance; and also making the local share in public assistance part of the statutes rather than a budget footnote. No appropriation, but probably should go to Appropriations.

Referred to Appropriations.

#### **HB 451**

providing additional retirement allowances for certain retired teachers and making an appropriation therefor. Ought to pass. Rep. Margaret S. Cote for Executive Departments and Administration.

The committee voted unanimously to send this bill on to the House as ought to pass. The teachers that this bill would provide an additional retirement allowance for are teachers that retired prior to July 1, 1957, and at this time are receiving from \$800 to \$1100 per year. It was also pointed out that this group does not receive Social Security and their entire income is their retirement allowance. Most of these teachers are from 85 on up to 102 years of age.

Referred to Appropriations.

#### **HB 456**

relative to definition of actuary under the New Hampshire retirement system. Ought to pass. Rep. Hoar for Executive Departments and Administration.

Bill defines "Actuary" under the New Hampshire Retirement System.

Ordered to third reading.

**HB 458**

relative to the authority of the state treasurer with respect to certain accounts. Ought to pass. Rep. Hoar for Executive Departments and Administration.

A housekeeping bill which updates and improves procedures of state treasurer's office.

Ordered to third reading.

**HB 374**

relative to compensating towns for the loss of tax revenue due to the acquisition of land by the fish and game department. Ought to pass. Rep. Scott for Fish and Game.

This provides for the compensation of towns for loss of tax revenue due to the taking by the state department of fish and game of wild lands or waters to be used for wildlife refuges, conservation or recreation purposes.

Referred to Appropriations.

**HB 412**

relative to bob houses or smelt shanties. Inexpedient to legislate. Rep. Patrick for Fish and Game.

The committee unanimously feels this matter should be handled by Water Supply and Pollution Control.

Resolution adopted.

**HB 443**

relative to legal representation for caseworkers appearing in court on neglected or abused children cases. Ought to pass with amendment. Rep. Spirou for Judiciary.

As amended, on request of the director of welfare the attorney general's office shall provide legal counsel in all contested cases involving neglected or abused children.

**AMENDMENT**

Amend the bill by striking out RSA 169:9-a as inserted by section 1 of the bill and inserting in place thereof the following:

169:9-a Hearing; Legal Representation. In all contested cases involving allegedly neglected or abused children, the state of New Hampshire shall provide legal counsel from the office of the attorney general upon the request of the director of the division of welfare, department of health and welfare.

Amendment adopted.

Rep. Daniel J. Healy commented on the bill.

Rep. Frizzell explained the committee report.

(discussion)

Referred to Appropriations.

#### **HB 517**

relative to the recording of foreclosure deeds. Inexpedient to legislate. Rep. Spirou for Judiciary.

Majority felt that mortgagee who had all the papers in foreclosing should continue to have responsibility for recording.

Rep. Close moved that HB 517 be made a Special Order for Thursday next.

Motion lost.

Resolution adopted.

#### **HB 528**

making an appropriation for New Hampshire Legal Assistance. Ought to pass. Rep. Buckley for Judiciary.

Twenty-five thousand dollars to supplement federal funds to provide free legal services for the poor.

Referred to Appropriations.

#### **SB 35**

prohibiting the placing of razor blades or harmful substances in Halloween food or drink. Inexpedient to legislate. Rep. Close for Judiciary.

Subject adequately covered in present statutes.

Resolution adopted.

#### **HB 444**

legalizing the annual town meeting held in the town of Barrington on June 13, 1972. Ought to pass with amendment.



Rep. Timothy K. O'Connor for Municipal and County Government.

There is no terminology which can improve on the title of this bill.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

legalizing the special town meeting held  
in the town of Barrington on June 13, 1972.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Town of Barrington; Proceedings Legalized. All votes and proceedings, including but not limited to all votes authorizing the issuance of municipal bonds or notes, at the special town meeting held in the town of Barrington on June 13, 1972, are hereby legalized, ratified and confirmed.

Amendment adopted.

Ordered to third reading.

#### HB 432

relative to enforcement of classifications against pollution of waters. Inexpedient to legislate. Rep. Clafin for Resources, Recreation and Development.

Legal complexities of bringing these actions make it desirable that their initiation remain with Water Supply and Pollution Control Commission. Federal funds sometimes involved.

Resolution adopted.

#### HJR 31

making an annual appropriation for the library of the New Hampshire Veterans Home. Inexpedient to legislate. Rep. Hodgdon for State Institutions.

Withdrawn at request of sponsor. Proposed new building will provide for expanded library service.

Resolution adopted.

**HB 347**

to increase the fees for a recount for a delegate to a national convention. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

Raises fees to be charged for recounts. Recounts may be requested for the fees listed. If the difference in votes is greater than one percent, the petitioner must agree to pay the full cost unless he wins.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Recount. Amend RSA 57:9 by striking out said section and inserting in place thereof the following:

57:9 Recount. If any person whose name was printed as a candidate upon the ballot of any party is not elected according to the canvass first made by the secretary of state he may obtain a recount by applying in writing therefor to the secretary of state within ten days after he shall have been notified of the result of the primary, and, whether voted for throughout the state or in a district only, by paying a fee of five hundred dollars. No person shall be entitled to a recount unless the difference between the vote cast for him, and the vote cast for his closest opposing candidate who received sufficient votes to be declared elected shall be one percent or less of the total vote so cast for the aforementioned candidates. If such a difference is greater than one percent, the candidate requesting the recount shall pay the full expense of such recount even though it may exceed the five hundred dollar fee deposited, and if the candidate is declared elected by reason of said recount, he shall be entitled to a full refund of the fee and additional expenses, if any, paid by him.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**HB 461**

relative to referenda on specific urban renewal projects. In-

expedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Would seriously hamper, if not eliminate, action on urban renewal projects. Sufficient controls are presently in effect.

Resolution adopted.

### HB 413

relative to overtaking and passing upon the right of another vehicle. Inexpedient to legislate. Rep. Hamel for Transportation.

Chapter 49 of the Laws of 1973 (HB 170) allows limited passing on the right. Committee feels no further changes should be made at this time.

Rep. Sayer moved that HB 413 be recommitted to the Committee on Transportation.

Motion lost.

Rep. Sayer moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Hamel, Spirou, T. Anne Webster, H. Gwendolyn Jones and Richard L. Bradley spoke against the motion.

Reps. Read, James W. Murray and George I. Wiggins spoke in favor of the motion.

(discussion)

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

### HR 8

regarding the impoundment of federal funds. Ought to pass with amendment. Rep. George B. Roberts, Jr. for Rules.

After a public hearing, it is now admitted by all parties that a resolution as to this effect would be helpful in directing information about the impoundment of funds to the

proper legislative committee. The resolution has been amended so as to take out any deadline so the coordinator of federal funds can report, as information becomes available, to the legislature concerning the net gain or loss of these funds.

#### AMENDMENT

Amend the resolution by striking out the resolving clause and inserting in place thereof the following:

*Resolved*, by the House of Representatives in General Court convened: That the coordinator of federal funds is hereby asked to report to the speaker of the house and the chairman of the house appropriations committee, as these facts become available, the net dollar gain or loss, as well as an evaluation of such a gain or loss, upon the state of New Hampshire and those programs which the grant in aid funding affects.

Amendment adopted.

Ordered to third reading.

(Deputy Speaker in the Chair)

#### HB 367

authorizing a preliminary breath alcohol intoxication. Inexpedient to legislate. Rep. Hamel for Transportation.

The newly developed equipment is expensive and the penalty severe. Committee feels this bill is premature.

Resolution adopted.

#### HB 23

providing funds for veterinary diagnostic laboratory by additional fees for licensing dogs. Inexpedient to legislate. Rep. Elmer L. Johnson for Ways and Means.

This bill imposes an additional two dollar license fee for all dogs licensed in the state. Unanimous vote of committee.

Resolution adopted.

#### HB 112

reimposing the tax on machinery and road building and

like machinery. Inexpedient to legislate. Rep. Splaine for Ways and Means.

This bill reimposes the tax on machinery.

Resolution adopted.

Rep. Curran wished to be recorded in favor of the passage of HB 112.

#### **HB 466**

to abolish the business profits tax, abolish the business profits tax division, impose a tax on inventory, and impose a machinery tax. Inexpedient to legislate. Rep. Splaine for Ways and Means.

This act would impose a tax on inventory and machinery and abolish the business profits tax.

Resolution adopted.

The Speaker called for the Special Order on:

#### **HR 4**

requesting an advisory opinion from New Hampshire Supreme Court on validity of seconding motion for roll call. Inexpedient to legislate. Rep. Milne for Resolutions and Screening.

The House has the right to establish the rules and guidelines for its own operation.

Rep. Milne read Art 24 of the House Rules re Resolutions and Screening.

Resolution adopted.

#### **HR 9**

in opposition to the granting of amnesty. Refer to Claims, Military and Veterans Affairs. Rep. Milne for Resolutions and Screening.

Referred to Claims, Military and Veterans Affairs.

#### **HCR 13**

memorializing the Congress of the United States not to rebuild North Vietnam. Refer to Claims, Military and Veterans Affairs. Rep. Milne for Resolutions and Screening.

Referred to Claims, Military and Veterans Affairs.



**HB 395**

relative to consumer credit reports. Majority: Inexpedient to legislate; Rep. Lamy for Banks and Insurance. Minority: Ought to pass with amendment; Reps. Tony Smith, Wayne E. Helie, Deoss, Burns and Carter.

Majority: Present statutes provide ample protection to the consumer.

Minority: This would allow a person to see a copy of a retail credit file on himself — under present law he does not have to be shown his file.

Rep. Tony Smith moved that the report of the minority ought to pass with amendment, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Bigelow and Dwyer spoke against the motion.

Reps. Sayer, Belair, George B. Roberts, Jr. and Richard L. Bradley spoke in favor of the motion.

Motion adopted.

**AMENDMENT**

Amend RSA 359-B:9, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Whenever a consumer report is requested by any person, the consumer reporting agency shall furnish to the consumer investigated upon his request, and upon payment by the consumer investigated of a reasonable copy fee, the following:

(a) A copy of the consumer report it has prepared;

(b) The information specified in paragraph I;

(c) The names of all of the sources of information in its files on the consumer which were actually used in the preparation of the consumer report; and

(d) The names of all persons to whom the consumer report was sent.

Amendment adopted.

Ordered to third reading.

#### **HB 85**

establishing the office of comprehensive planning. Inexpedient to legislate. Rep. Gallen for Executive Departments and Administration.

The committee voted unanimously that creating by statute the permanent position of Director of Comprehensive Planning is unnecessary. Three classified professional planners for State, Regional and Community planning already exist. The Governor or his designee will continue to retain his supervisory authority over planning under RSA 4:12-e.

Resolution adopted.

Rep. Gallen moved that HB 85 be indefinitely postponed.

Adopted.

#### **RECONSIDERATION**

Rep. Lawton moved reconsideration on HB 85.

Reconsideration lost.

#### **HB 392**

relative to visitation to child-placing and child-caring agencies. Inexpedient to legislate. Rep. Helen F. Wilson for Public Health and Welfare.

This bill would eliminate local authority concerning placement of children.

Rep. Hanson moved that HB 392 be recommitted to the committee on Public Health and Welfare.

At the request of Rep. Daniel J. Healy, Rep. Hanson answered a question.

Adopted.

Rep. T. Anne Webster requested a division.

Rep. Roma A. Spaulding spoke in favor of the motion.

Rep. Webster withdrew her request for a division.

HB 392 recommitted to the committee on Public Health and Welfare.

#### **HB 481**

relative to taking lobster by hand and diving. Inexpedient to legislate. Rep. Griffin for Fish and Game.

The fish and game committee unanimously voted against any encroachment on the commercial lobster fishermen.

Rep. Gorman moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Maynard moved that HB 481 be indefinitely postponed and spoke in favor of the motion.

Reps. Hodgdon, Gay, Greene and Hammond spoke in favor of the motion.

Motion adopted.

#### **HCR 7**

to petition Congress to propose the "Liberty Amendment" to the United States Constitution.

Rep. McManus moved that HCR 7 be made a Special Order for Tuesday next, and subsequently withdrew his motion.

Rep. McManus moved that HCR 7 be laid on the table, and subsequently withdrew his motion.

The Speaker took a consensus of the House on whether action should be taken today.

It being manifestly in the negative, Rep. Joseph M. Eaton moved that HCR 7 be made a Special Order for Tuesday next.

Adopted.

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Rep. French moved we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only,

and resolutions by caption only and when the House adjourns, it adjourn to meet Tuesday next at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HB 102, providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport; and making an appropriation therefor.

HB 383, relative to filing a report of catch of fur-bearing animals.

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company and changing the notice requirements when the charter is amended.

SB 42, relative to excepting certain pupils from authorized regional enrollment area school agreements.

HB 356, relative to abandoning animals.

HB 456, relative to definition of actuary under the New Hampshire retirement system.

HB 458, relative to the authority of the state treasurer with respect to certain accounts.

HB 394, relative to providing education for handicapped children.

HB 444, legalizing the special town meeting held in the town of Barrington on June 13, 1972.

HB 347, to increase the fees for a recount for a delegate to a national convention.

HR 8, regarding the impoundment of federal funds.

HB 395, relative to consumer credit reports.

### RECONSIDERATION

Rep. Joseph L. Cote moved reconsideration on HB 395.

Reconsideration lost.

## NOTICE OF RECONSIDERATION

Rep. Sweeney served notice that today or some subsequent day he would ask for reconsideration of the House action in killing CACR 26, relating to compensation of the members of the legislature. Providing that each senator and representative receive twenty-five dollars per diem for each day of attendance in addition to compensation for mileage presently provided.

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Consent Calendar Day Wednesday, April 4th.

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On motion of Rep. T. Anne Webster the House adjourned at 5:34 p.m. in honor of the only minority in the House, the lady members.

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*Tuesday, 3Apr73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Marie Tolander, First Congregational Church, Bennington.

(The instruction which I received regarding this assignment cautioned wisely against using prayer to preach a sermonette; it suggested the chaplain pray *for* the legislators. But because you and I have accepted the role of servant — of our people and of our God — let us pray together, *with* each other.)

**Eternal God**, we acknowledge that You work in ways far beyond our feeble comprehension. We see the order of Your universe, and Your hand in our individual lives in all that is excellent and worthy, courageous and full of hope, in victories of light over darkness, love over hate, and good over evil. For these evidences of Your presence among us, we give You thanks. O Lord, become real to us, and in the silence of our souls, speak to us quietly that we may be sure of Your presence.

We come to You with our need for courage. Daily we face temptation, disappointment, anxiety, and fear. Speak to us, saying, "Be not afraid, for I am with you." Give us courage to



speaking out against injustice and oppression, courage to surrender our selfish interests in wider concerns for humanity, our brothers and sisters, Your children.

Send us forth to be builders of a better world. Our hearts are burdened in this land of opportunity and beauty by the poverty that afflicts Your children. O God, have mercy on us who live in comfort, lest we should be selfish in our privilege. Give us a new vision of the possible future of our state and our country, and set our hearts on fire with large resolves. Fill our hearts with the faith and daring of the Kingdom of God, and enlist us in a holy warfare for the freedom and rights of Your people whom we serve. In the name of Him who calls us to service. Amen.

#### LEAVES OF ABSENCE

Rep. Randall, the week, illness.

Rep. Simmons, the day, illness.

Reps. Ellis, Hough and Cate, the day, important business.

Rep. Gabriel, the week, important business.

Rep. Simard, the week, death in family.

Rep. G. Winthrop Brown, the day, to attend a funeral.

#### RESOLUTION

Rep. Joseph M. Eaton offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 740 through 751 and House Joint Resolution number 44 and Concurrent Resolutions Proposing Constitutional Amendment number 33 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HB's & HJR & CACR

First, second reading & referral

HB 740, permitting persons receiving retirement benefits from the New Hampshire Retirement System to be employed

as a member of a group other than that from which he is receiving benefits. (Coutermarsh of Hillsborough Dist. 24 — To Executive Departments and Administration.)

HB 741, relative to the priority of charges against the estate of a deceased person. (Howard of Carroll Dist. 1; Wilson of Rockingham Dist. 2; Woodruff of Hillsborough Dist. 18 — To Judiciary.)

HB 742, relative to the manufacture of paint containing excessive amounts of lead and the use thereof on the interior of dwelling places. (Knight of Hillsborough Dist. 8; Griffin of Rockingham Dist. 19; Kidder of Coos Dist. 5 — To Public Health and Welfare.)

HB 743, relative to the dispensing of controlled drugs. (Bradley of Grafton Dist. 13 — To Public Health and Welfare.)

HB 744, providing lower utility rates for senior citizens. (Roy of Rockingham Dist. 5; Townsend of Sullivan Dist. 1; Roberts of Belknap Dist. 4 — To Statutory Revision.)

HB 745, relative to the management-employees relations law. (McDonough of Hillsborough Dist. 29 — To Labor, Human Resources and Rehabilitation.)

HB 746, relative to the date of annual town meetings. (Cox of Carroll Dist. 2; Duprey of Carroll Dist. 2; Mann of Grafton Dist. 6; Davis of Carroll Dist. 2 — To Municipal and County Government.)

HB 747, concerning conservation and preservation restrictions on real property. (Milbank of Cheshire Dist. 10; Boyd of Hillsborough Dist. 12 — To Environment and Agriculture.)

HB 748, relative to the definition of accidents for the rating of insurance policies. (Murray of Belknap Dist. 9 — To Banks and Insurance.)

HB 749, relative to the compensation of town clerks. (Bednar of Hillsborough Dist. 14; Nutting of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 750, relative to the compensation of collectors of taxes. (Bednar of Hillsborough Dist. 14; Nutting of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 751, providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system. (McLane of Merrimack Dist. 16 — To Executive Departments and Administration.)

HJR 44, establishing a committee to investigate the water supply and pollution control commission. (Curran of Grafton Dist. 1 — To Resources, Recreation and Development.)

CACR 33, Relating to: Special Sessions of the General Court. Providing that: Fifty-five percent of the members of the general court may call a special session of the general court. (Tucker of Sullivan Dist. 4; Hager of Merrimack Dist. 21; Roberts of Belknap Dist. 4; Merrill of Grafton Dist. 14 — To Constitutional Revision.)

(Deputy Speaker in the Chair)

#### SENATE MESSAGES

#### CONCURRENCE SB WITH HOUSE AMENDMENT

SB 13, relative to conservation officer Warren Jenkins.

#### NONCURRENCE

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.

#### CONCURRENCE

HB 146, relative to the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women.

HB 403, lowering the age of majority to eighteen.

HB 263, repealing the statute relative to sewage disposal systems on islands.

HB 391, relative to abolishing sterilization of epileptics.

HB 423, relative to the board of examiners of nursing home administrators.

## INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 51, to provide workmen's compensation benefits for persons who are compelled by statute to assist in fighting a forest fire. Labor, Human Resources and Rehabilitation.

## CONCURRENCE HB WITH SENATE AMENDMENT

HB 349, relative to a census of persons as of April first and a separate listing of homestead residence property.

(Amendment printed SJ March 28th)

Rep. Russell C. Chase moved that the House nonconcur and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Russell C. Chase, Bednar, Fred E. Murray and Hanson.

## ENROLLED BILLS REPORT

HB 228, relative to requirements for renewal of chiropractor's license.

HB 263, repealing the statute relative to sewage disposal systems on islands.

HB 391, relative to abolishing sterilization of epileptics.

SB 42, relative to excepting certain pupils from authorized regional enrollment area school agreements.

Maurice W. Read  
*For The Committee.*

## COMMITTEE REPORTS

## HB 472

authorizing the department of education to contract with school volunteer programs for continued services, and making an appropriation therefor. Ought to pass. Rep. Rock for Education.

This bill will allow for continuation of an excellent volunteer program under contract controlled by the Department of Education.

Referred to Appropriations.

**HB 480**

establishing the position of state archeologist and creating a program for archeological research and making an appropriation therefor. Ought to pass. Rep. Cobleigh for Executive Departments and Administration.

For a small appropriation (\$3,400) the state of New Hampshire, in cooperation with several colleges, could accomplish much in conducting research and conserving our archeological heritage.

Referred to Appropriations.

**HJR 26**

creating more positions for psychiatric aides at the Philbrook Center, and making an appropriation therefor. Inexpedient to legislate. Rep. Noble for Executive Departments and Administration.

The bill was not correctly drafted as the sponsor did not mean to create five new psychiatric aides III, but merely to upgrade the present aides. This can be done by the Personnel Department and does not require legislation.

Resolution adopted.

**HB 599**

amending the zoning authority of Kearsarge Lighting Precinct to include the town of Bartlett. Ought to pass. Rep. Cox for Municipal and County Government.

Title completely self-explanatory.

Ordered to third reading.

**HB 384**

to reclassify the Blackwater River. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Protects an already qualifying Class A water.

**AMENDMENT**

Amend the bill by striking out section 3 and inserting in place thereof the following:



3 Effective Date. This act shall take effect January 1, 1976.

Amendment adopted.

Ordered to third reading.

**HB 405**

prohibiting water skiing on lower Baker's pond. Inexpedient to legislate. Rep. Claffin for Resources, Recreation and Development.

Premature regulation of pond where no abuses exist.

Resolution adopted.

**HJR 21**

making an appropriation for the improvement of the Governor Wentworth State Park in Wolfeboro. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Starts restoration of neglected historical area.

Referred to Appropriations.

**SB 36**

relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

Prohibits removal of more than 50% of basal area of trees within 150 feet of great ponds, navigable rivers and public highways, or 50 feet of other rivers, streams or brooks flowing throughout year without DRED permission.

Prohibits slash or mill waste within 25 feet of another's land or stream which will float a canoe, or public highway; within 100 feet of regularly occupied building; limits height of slash and waste piles in similar areas.

Ordered to third reading.

**HB 199**

requiring spark arrestors on motor vehicles operating in woodlands without snowcover. Ought to pass with amendment. Rep. Hamel for Transportation.

To minimize forest fire danger, this bill requires a spark inhibiting device on uninspected motorized vehicles and

equipment. Amendment clarifies the meaning and makes effective date January 1, 1974.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Suitable Exhaust Systems on Motorized Equipment. Amend RSA 224 by inserting after section 51 the following new section:

224:52 Suitable Exhaust Systems on Motorized Equipment. Any motorized vehicle, which does not bear a currently valid state inspection sticker, and other motorized equipment including generators operating in woodlands when the ground of said woodlands is not snow covered and which emits exhaust within four feet of the ground, shall be equipped with a suitable exhaust system which will inhibit the discharge of sparks and carbon deposits likely to cause fires. Baffled mufflers or spark arresters in good working order, tested and approved by the U.S. Forest Service or the Director, Division of Resources Development, shall be deemed to meet these requirements. In the case of trucks, pickups, passenger cars, and motor bikes, primarily used for travel over gravel and other mineral soil roads, exhaust systems equivalent to original equipment are suitable. Any car, truck or other vehicle that has been modified will be required to have exhaust systems which are tight, have not been shortened excessively, and are directed away from the forest floor, or be equipped with a baffled muffler in good working condition.

I. Any such vehicle or equipment operating in said woodlands, which, in the judgment of the director of the division of resources development or his agent, presents an imminent danger of igniting a forest fire may be impounded by said director or his agent until equipped with a suitable exhaust system.

II. Any owner or operator who violates the provisions of this section shall be guilty of a violation.

2 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Ordered to third reading.

**HB 355**

providing that a test showing a blood alcohol content of

ten-hundredths percent or over shall be conclusive evidence of intoxication in cases of driving while intoxicated. Ought to pass. Rep. Hamel for Transportation.

Evidence shows that persons with over ten-hundredths blood alcohol content should not drive at all.

Ordered to third reading.

(Speaker in the Chair)

### HJR 34

making an additional appropriation for dual enrollment and child benefit service grants. Majority: Ought to pass; Rep. Scranton for Education. Minority: Inexpedient to legislate. (Reps. William P. Boucher, T. Anne Webster, DeCesare, Fimlaid, and Horan)

It was the feeling of the majority of the committee this bill would be keeping faith with past promises of the state for funding dual enrollment.

Minority: Small towns not enrolled in dual enrollment have subsidized education for too long. Should the legislature feel indebted to totally fund prior commitments than do it in total.

Rep. William P. Boucher moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass, and spoke in favor of the motion.

Reps. Scranton, Ethier, Spirou, Brungot and Coutermarsh spoke against the motion.

(discussion)

Reps. Fimlaid, Williamson and T. Anne Webster spoke in favor of the motion.

Reps. Daniell and French spoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Referred to Appropriations.

**HJR 36**

providing for a medical assistant course in Manchester. Inexpedient to legislate. Rep. Hager Education.

The state Department of Education and Vocational Technical Department directors wanted to see the outcome of in-process studies as to the needs before mandating a program. The committee's unanimous feeling was we should not direct the department in this fashion.

Rep. Coutermarsh moved that HJR 36 be referred to the Education interim study committee and spoke in favor of the motion.

Reps. Hager, Rock, William P. Boucher and French spoke against the motion.

(discussion)

Reps. Vachon and Elizabeth E. Goff spoke in favor of the motion.

Motion lost.

Resolution adopted.

**RECESS****AFTER RECESS****VACATE**

Rep. Greene moved that the House vacate the reference of HB 712, relative to posting of uncultivated lands to the committee on Resources, Recreation and Development and refer said bill to the committee on Environment and Agriculture.

Adopted.

**RESOLUTIONS**

The Merrimack Delegation offered the following:

*Whereas*, we have learned with sorrow of the death of Claude M. Maker, former Representative from Merrimack, and

*Whereas*, Claude M. Maker served his community faithfully and with honor, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Claude M. Maker, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### RESOLUTIONS

Rep. French offered the following:

*Whereas*, we have learned with sorrow of the death of David A. Gregg, brother of former New Hampshire Governor Hugh Gregg, and

*Whereas*, David A. Gregg served with dedication as a member of the interim study committee on the Use and Control of off-highway Recreational Vehicles in New Hampshire, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby pay tribute to the memory of David A. Gregg for his valued services to his city, county and state, and express our deepest sympathy to his family in its bereavement, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a vv.

### COMMITTEE REPORTS CONTINUED

#### HB 286

relative to the taking of clams from the ocean waters of New Hampshire. Ought to pass with amendment. Rep. Hugins for Fish and Game.

This bill restricts out-of-state fishermen from taking clams in the territorial waters of New Hampshire.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:



1 Taking of Clams from Coastal Waters. Amend RSA 211 by inserting after section 62-c the following new section:

211:62-d Clams in Coastal Waters. No person or persons may at any time commercially harvest or take the following from ocean waters within the jurisdiction of the state, extending not less than two hundred miles from shore or the fullest extent of New Hampshire waters: black clams (*Cyprina islandica*), sea clams (*Spisula solidissima*), and razor clams (*Ensis directus*).

2 Penalty for Prohibited Taking of Clams. Amend RSA 211 by inserting after section 64 the following new section:

211:64-a Penalty. Whoever violates the provisions of 211:62-d or any rule or regulation promulgated by the director as hereinbefore provided relative to clams or other offshore resources shall be fined not more than ten thousand dollars or imprisoned for not more than one year, or both; and, further shall suffer mandatory confiscation of all equipment used in or for the purpose of violating this section.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

## HB 216

relative to the examination, certification and regulation of arborists. Ought to pass with amendment. Rep. Wuelper for Executive Departments and Administration.

This bill concerns a five man board of arborists. The bill concerns itself only with *licensed* arborists and their employees. It requires certification of and annual licensing of all arborists. This bill does not concern itself with anyone wanting to cut down his own trees or the trees of a neighbor, someone who does not advertise his services. It does not concern itself with employees of highway contractors and public utility companies regarding removal of trees during the performance of contracts for the construction and maintenance of highways.

## AMENDMENT

Amend RSA 222:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

222:1 Arborist Board. The director of the division of resources development, the commissioner of agriculture, the state entomologist, a licensed arborist, and a qualified plant pathologist shall constitute the arborist board. Said licensed arborist and plant pathologist shall each serve a two-year term or until a successor is named and available to serve. Said licensed arborist shall be appointed by the governor and council from a list of not more than three New Hampshire licensed arborists, nominated and submitted by the New Hampshire arborist association. Said plant pathologist shall be appointed by the governor and council from a list of not more than three plant pathologists nominated and submitted by other members of the arborist board. The director of the division of resources development, the commissioner of agriculture and the state entomologist shall serve for an indefinite and continuous term so long as they continue to retain their respective administrative office.

Amend RSA 222:6 as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

222:6 Certificate or Identification Card. Certified arborists shall carry their certificates, or a copy thereof, or an identification card issued by the arborist board upon their person at all times and shall produce the same upon request of the arborist board or its duly authorized agent or agents.

Amend the bill by renumbering the original section 3 to read 2 , so that said section as amended shall read as follows:

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. Joseph L. Cote moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Wuelper and Philip C. Heald, Jr. spoke against the motion.

Reps. George E. Gordon and D'Amante spoke in favor of the motion.

Rep. McLane explained the committee report.

(discussion)

A division was requested.

122 members having voted in the affirmative and 147 in the negative, the motion lost.

Amendment adopted.

Referred to Appropriations.

## CACR 29

relating to the compensation of the members of the general court. Providing that the compensation paid the members of the general court be increased. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

This should be considered by Constitutional Convention along with other bills dealing with the size and/or compensation of the legislature.

Rep. Lawton moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Harvell explained the committee report.

(discussion)

Reps. Allen, Gerry F. Parker and Brungot spoke in favor of the motion.

Reps. Haller and Russell C. Chase spoke against the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

179 members having voted in the affirmative and 95 in the negative, the motion prevailed.

Rep. Horan requested a roll call.

Not sufficiently seconded.

The question being on ordering CACR 29 to third reading.

230 members having voted in the affirmative and 104 in the negative, the motion to order to third reading lost.

Rep. Gelinas challenged the vote.

237 members having voted in the affirmative and 102 in the negative, the motion to order to third reading lost.

Rep. Joseph L. Cote requested a roll call and subsequently withdrew his motion.

Rep. Lawton moved that CACR 29 be recommitted to the committee on Constitutional Revision and spoke in favor of the motion.

Rep. Curran wished to be recorded in favor of the committee report on CACR 29, relating to the compensation of the members of the general court. Providing that the compensation paid the members of the general court be increased.

Adopted.

### ENROLLED BILLS REPORT

HB 146, relative to the power of Hesser College, Concord College and New England Aeronautical Institute to grant degrees and relative to Pierce College for Women.

HB 314, relative to accident and health insurance issued under franchise plan and relative to the expiration date of insurance company licenses.

Maurice W. Read  
*For The Committee*

### ENROLLED BILLS AMENDMENT

HB 403, lowering the age of majority to eighteen.

### AMENDMENT

Amend section 64 of said bill by striking out the last two lines and inserting in place thereof the following:

being observed and to report his findings to the board. The inspector shall be eighteen years of age or over, have a high school education, or its equivalent, and be licensed as a hairdresser under the provisions of this chapter and have held such license continuously for the five years immediately preceding his appointment.

Amendment adopted.

SENATE MESSAGE  
ADOPTION ENROLLED BILLS AMENDMENT

HB 403, lowering the age of majority to eighteen.

COMMITTEE REPORTS CONTINUED

**HB 307**

providing for the preservation of open space land by assessment at valuations based upon the current use thereof and by permitting discretionary easements of development rights; creating a current use advisory board and making an appropriation therefor. Ought to pass with amendment. Rep. Greene for Environment and Agriculture.

The analysis is a good summary of what the bill does. Of the six amendments four are technical corrections in the drafting. The fifth requires that local officials file a listing of all open space assessments with the county registry of deeds and the sixth provides for a similar report when a land use change tax is collected.

AMENDMENT

Amend RSA 79-A:3, II (h), as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(h) The executive secretary of the New Hampshire association of conservation commissions.

Amend RSA 79-A:5, II, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. No owner of land shall be entitled to have a particular parcel of his land classified for any tax year under the provisions of this chapter unless he shall have applied to the assessing officials on or before April fifteenth of said year, on a form approved by the board and provided by the tax commission, to have his parcel of land so classified. If any owner shall satisfy the assessing officials that he was prevented by accident, mistake or misfortune from filing said application on or before April fifteenth, said officials may receive said application at a later date and classify the parcel of land hereunder; but no such application shall be received after the local tax rate has been approved by the tax commission for that year.



Amend RSA 79-A:5 as inserted by section 1 of the bill by inserting after paragraph V the following new paragraph:

VI. The assessing officials shall file with the register of deeds in the appropriate county on or before August first in each year, a list of all parcels of land classified under the provisions of this chapter. If a parcel of land is classified as open space land after such date, the assessing officials shall file notice of said classification with the register of deeds in the appropriate county within fourteen days of said classification. The list filed pursuant to this paragraph shall be on a form approved by the board and provided by the tax commission, shall contain the name of each owner, the date of classification and a short description of each parcel of real estate together with such other information as the board may prescribe.

Amend RSA 79-A:7, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The land use change tax shall be due and payable by the owner on April first next following the change in use to the tax collector of the town or city in which the property is located. The tax commission shall issue a form to the local tax collectors which shall provide for a description of the property changed from open space use, the tax payable, and the RSA 75:1 full value assessment of the changed use land. The owner shall fill out the form and shall sign it under the penalty of perjury. After receipt of payment, the tax collector shall furnish the owner with one copy, shall retain one copy for his own use, shall forward one copy to the local assessing officials, and shall forward one copy to the register of deeds of the county in which the land is located. Thereafter the land which has been changed to a use which does not qualify for open space assessment shall be taxed at its full RSA 75:1 value.

Amend RSA 79-A:20, as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

79-A:20 Exemption for Eminent Domain. Should any of the land which is subject to a discretionary easement be condemned by any governmental agency or be acquired through eminent domain proceedings, the selectmen or the mayor and council shall execute a release of the easement to the owner. None of the liquidated consideration provisions of RSA 79-A:19

shall be applicable to releases granted pursuant to this section.

Further amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effect on Previous Open Space. RSA 79-A:7 as inserted by section 1 of this act shall not apply to land which was classified as farm land or forest land and taxed at its current use value pursuant to 1972, 56:1 unless the owner thereof applies for an open space assessment on or after April 1, 1974 and qualified for such assessment pursuant to the provisions of RSA 79-A as inserted by section 1 of this act.

Rep. Greene explained the committee report and amendments.

(Deputy Speaker in the Chair)

Amendments adopted.

Rep. Bednar offered an amendment.

The clerk read the amendment in full.

Rep. Bednar spoke in favor of his amendment.

Reps. Elmer L. Johnson and George B. Roberts, Jr. spoke against the amendment.

(discussion)

Rep. Bednar requested a roll call on his amendment.

Sufficiently seconded, by Reps. Hackler, Nutting, Boisvert, Joseph L. Cote and Albert C. Jones.

Rep. Bednar withdrew his request for a roll call.

Bednar amendment lost.

Rep. Pryor offered an amendment.

The clerk read the amendment in full.

Rep. Pryor explained his amendment.

(discussion)

Rep. Elmer L. Johnson spoke against the amendment.

Pryor amendment lost.

Rep. Joseph L. Cote moved that the words, inexpedient to

legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Elmer L. Johnson, Colburn, Senter and Harvell spoke against the motion.

Reps. Daniell and George I. Wiggins spoke in favor of the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Referred to Appropriations.

Rep. Close wished to be recorded in favor of HB 307.

(Speaker in the Chair)

#### **HB 283**

providing for the acquisition of a certain dam and water rights on Newfound Lake in the town of Bristol by the water resources board and making an appropriation therefor. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Provides for needed dam if funding is feasible.

Referred to Appropriations.

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Rep. Zachos moved that HCR 7, to petition Congress to propose the "Liberty Amendment" to the United States Constitution, be made a special order for Thursday next.

Adopted.

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Rep. Sweeney withdrew his notice of reconsideration on CACR 26, relating to compensation of the members of the legislature. Providing that each senator and representative receive twenty-five dollars per diem for each day of attendance in addition to compensation for mileage presently provided.

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Consent Calendar Day Wednesday, April 4th.

Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only, and when the House adjourns, it adjourns to meet tomorrow at 11:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 599, amending the zoning authority of Kearsarge Lighting Precinct to include the town of Bartlett.

SB 36, relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto.

HB 355, providing that a test showing a blood alcohol content of ten-hundredths percent or over shall be conclusive evidence of intoxication in cases of driving while intoxicated.

HB 384, to reclassify the Blackwater River.

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover.

HB 286, relative to the taking of clams from the ocean waters of New Hampshire.

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On motion of Rep. Colburn, the House adjourned at 5:47 p.m.

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*Wednesday, 4Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord, our God,** we pray that we may care for and respect each other, that we may not be divided, but may with one mind try to achieve happiness for all. Amen.

In memory of Paul Simard's father and Romeo Desilets' mother and the wife of Leon Dubey. O Lord, we implore You in Your fatherly love, have mercy on the souls of these three, Your servants, and grant that freed from the stains of their mortal lives, they may receive the inheritance of eternal salvation. Through Christ our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Soule led the Pledge of Allegiance.

### LEAVE OF ABSENCE

Rep. Southwick, the day, illness.

### QUALIFIED

April 4, 1973

Mr. J. Milton Street, Clerk  
House of Representatives

Dear Mr. Street:

This is to advise you that Russell H. Taber, of Manchester, was sworn in as Representative for Hillsborough County District No. 31 (Manchester — Ward 7) at the Governor and Council meeting held April 4, 1973.

Robert L. Stark  
Secretary of State

April 4, 1973

Mr. J. Milton Street, Clerk  
House of Representatives

Dear Mr. Street:

This is to advise you that Walter Colby, of Farmington, was sworn in as Representative for Strafford County District No. 2 at the Governor and Council meeting held April 4, 1973.

Robert L. Stark  
Secretary of State

### SENATE MESSAGES

### CONCURRENCE

HB 4, providing workmen's compensation coverage for all



volunteer or auxiliary members of an ambulance service, whether paid or not paid.

HJR 13, making an appropriation to the New Hampshire Hospital Auxiliary.

HJR 10, providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling.

HB 73, providing for better control over subdivision development of land in New Hampshire.

### ACCEDED TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 349, relative to census of persons as of April first.

The President appointed Sens. Downing, Poulsen, Blaisdell and Johnson.

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 53, to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist. Judiciary.

SB 62, to authorize any licensed physician to act as medical referee in certain circumstances. Public Health and Welfare.

SB 28, relative to a bill of rights for mobile home park tenants. Municipal and County Government.

### ENROLLED BILLS REPORT

HB 403, lowering the age of majority to eighteen.

Maurice W. Read  
*For The Committee*

### COMMITTEE REPORTS

#### HB 564

relative to annual meetings of credit unions. Ought to pass.  
Rep. Burns for Banks and Insurance.

Need for extra time clearly indicated.

Ordered to third reading.

**HB 498**

relative to the area school contract between the Rochester school district and the Strafford school district. Ought to pass. Rep. William P. Boucher for Education.

This bill is a local housekeeping bill with substantial merit.

Ordered to third reading.

**HB 386**

relative to the taking of deer. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Inexpedient at request of sponsor. Wording ambiguous.

Resolution adopted.

**HB 401**

to establish a state liquor store in Belmont. Ought to pass. Rep. Pray for Liquor Laws.

Committee feels that several hundred thousand dollars will be available for general fund from this operation.

Referred to Appropriations.

**HB 497**

providing for the director of public health to regulate the rates charged by ambulance services. Inexpedient to legislate. Rep. Chris K. Andersen for Public Health and Welfare.

Committee feels that, because some towns support by taxes, local ambulance services and insurance and medicare establish rates that this bill is unnecessary.

Resolution adopted.

**HB 541**

prohibiting the moving of welfare recipients at taxpayer's expense. Inexpedient to legislate. Rep. Copenhagen for Public Health and Welfare.

Federal guidelines state that welfare recipients receive their check directly to pay their moving expenses.

Resolution adopted.

**HB 420**

providing for the establishment of a system of bicycle trails. Inexpedient to legislate. Rep. Bragdon for Public Works.

The committee feels that this is a good recreation idea but that the subject is adequately covered by other legislation. This action is agreeable to the sponsor.

Resolution adopted.

### HJR 25

relative to an appropriation for Murphy House at the Laconia state school and training center. Ought to pass with amendment. Rep. Ellis for Public Works.

The committee by unanimous vote supports the program started by parents on this air conditioning project. This action is agreeable to the sponsor.

### AMENDMENT

Amend the resolution by striking out in line one the word "fifteen" and inserting in place thereof the following (five) so that the resolution as amended shall read as follows:

That the sum of five thousand dollars is hereby appropriated to the Laconia state school and training center for fiscal year 1974. The appropriation is for the purpose of upgrading the electrical system at Murphy House, prior to the installation of air conditioning units, and shall be in addition to any other funds appropriated for said school. The governor is authorized to draw his warrant for said sum appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

### HOUSE CONCURRENT RESOLUTION NO. 14

Rep. Conley offered the following:

*Whereas*, many New Hampshire men and women served honorably in the Southeast Asian conflict to protect the rights of freedom and self-determination, and

*Whereas*, many New Hampshire men and women were seriously injured in this conflict and today still are disabled, and

*Whereas*, several New Hampshire citizens gave their lives in service to their country, and

*Whereas*, an unknown number of New Hampshire citizens may still be missing in action, and

*Whereas*, Lieutenant Colonel Ronald Storz lost his life while in detention by enemy forces, therefore be it

*Resolved*, by the House of Representatives with the Senate concurring that it does hereby express its deepest gratitude and respect to those citizens who served their state and country, and be it further

*Resolved*, that a copy of this resolution be kept on permanent record by His Excellency the Governor, and be it further

*Resolved*, that one copy of this resolution be forwarded to the wife of Lieutenant Colonel Ronald Storz.

Referred to Resolutions Committee.

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Rep. Vachon moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and when the House adjourns it adjourn to meet tomorrow at 11:00 a.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 564, relative to annual meeting of credit unions.

HB 498, relative to the area school contract between the Rochester school district and the Strafford school district.

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Next Wednesday, April 11, at 11:00 a.m. will be Consent Calendar day. Commencing at 1:00 p.m. will be a regular calendar.

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On motion of Reps. Bernard and Arthur E. Thompson, the House adjourned at 11:26 a.m.

*Thursday, 5Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**Lord God, our Father,** we trust You for we remember Your love and mercy in all the days that have gone before. Help us now and forever to live in that trust. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Mabel L. Richardson led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Simmons, the week, illness.

Reps. McManus, Nims, Carter, Langdell, and Ruel, the day, important business.

Rep. Griffin, today and next two weeks, illness in family.

#### RESOLUTION

Rep. Russell C. Chase offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 607, 752 through 777 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 607, limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents. (Sullivan of Hillsborough Dist. 23 — To Banks and Insurance.)

HB 752, amending the Rochester city charter to increase the salary of the mayor. (LaRoche of Strafford Dist. 11; Ineson of Strafford Dist. 9 — To Special Committee on Rochester Delegation.)



HB 753, providing that teachers shall not be required to become members of the New Hampshire retirement system. (Horan of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 754, amending the Nashua city charter to provide for a five member board of education elected at large for two year terms. (Boisvert of Hillsborough Dist. 22 — To Special Committee on Nashua Delegation.)

HB 755, conferring immunity from civil suit on municipal executives acting in their official capacity. (Wiggins of Sullivan Dist. 8 — To Judiciary.)

HB 756, relative to the prohibition of certain pesticides and insecticides in urban areas. (Splaine of Rockingham Dist. 19; Greene of Rockingham Dist. 17 — To Environment and Agriculture.)

HB 757, relative to protested checks paid to municipal or district courts. (Forcier of Cheshire Dist. 8 — To Judiciary.)

HB 758, relative to sessions for correction of the check-list in small towns. (Forcier of Cheshire Dist. 8 — To Statutory Revision.)

HB 759, permitting access from Rockingham Boulevard to a tract of land on the southerly side thereof. (Belair of Rockingham Dist. 5; Roy of Rockingham Dist. 5 — To Public Works.)

HB 760, authorize towns to appropriate money for programs on the aging. (Howard of Merrimack Dist. 20 — To Municipal and County Government.)

HB 761, relative to election procedures of the Contoocook Valley school district. (Murray of Hillsborough Dist. 3; Humphrey of Hillsborough Dist. 1; Cary of Hillsborough Dist. 2; Colburn of Hillsborough Dist. 6 — To Education.)

HB 762, prohibiting hidden radar detection equipment on highways without appropriate warning. (Forcier of Cheshire Dist. 8 — To Transportation.)

HB 763, relative to the authority of the director to close the season for hunting and taking deer. (Maynard of Rockingham Dist. 18 — To Fish and Game.)

HB 764, providing for a liquor license for passenger vessels. (Lawton of Belknap Dist. 1; Wiggins of Sullivan Dist. 8 — To Liquor Laws.)

HB 765, providing full pay to State employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury. (McDonough of Hillsborough Dist. 29 — To Executive Departments and Administration.)

HB 766, relative to New Hampshire fishery laws. (Greene of Rockingham Dist. 17 — To Fish and Game.)

HB 767, providing for the merger of unincorporated religious societies. (Buckley of Sullivan Dist. 4 — To Statutory Revision.)

HB 768, relative to withdrawals from savings deposits. (Scamman of Rockingham Dist. 15 — To Banks and Insurance.)

HB 769, relative to the season on foxes. (Bradley of Grafton Dist. 5 — To Fish and Game.)

HB 770, relative to limitation on officers serving in more than one financial institution. (Ferguson of Hillsborough Dist. 11 — To Banks and Insurance.)

HB 771, abolishing the police commission in Claremont. (D'Amante of Sullivan Dist. 5 — To Special Committee on Claremont Delegation.)

HB 772, relative to consumer finance company loans. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 773, relative to unsolicited merchandise and unfair trade practices. (Bergeron of Hillsborough Dist. 14 — To Statutory Revision.)

HB 774, relative to ballot counting procedures. (Bergeron of Hillsborough Dist. 14 — To Statutory Revision.)

HB 775, relative to retail installment sales agreements. (Bergeron of Hillsborough Dist. 14 — To Statutory Revision.)

HB 776, clarifying tax exemptions on real estate and personal property owned by governmental bodies. (Woods of Rockingham Dist. 22; Maynard of Rockingham Dist. 18 — To Ways and Means.)

HB 777, relative to the combined office of town clerk-tax

collector. (Bednar of Hillsborough Dist. 14; Nutting of Hillsborough Dist. 14 — To Municipal and County Government.)

## SENATE MESSAGES

### CONCURRENCE

HCR 11, opposing national no-fault insurance legislation.

## INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 68, requiring the attendance of police officer involved in the arrest at hearings to set bail on felonies. Judiciary.

## ENROLLED BILLS REPORT

HB 4, providing workmen's compensation coverage for all volunteer or auxiliary members of an ambulance service, whether paid or not paid.

HB 423, relative to the board of examiners of nursing home administrators.

HJR 13, making an appropriation to the New Hampshire Hospital Auxiliary.

HJR 10, providing a special appropriation for the special board within the water resources board authority to decide matters relative to dredging, excavating, and filling.

SB 13, relative to conservation officer Warren Jenkins.

HB 73, providing for better control over subdivision development of land in New Hampshire.

SB 36, relative to the cutting of timber near public waters and highways and establishing and enforcing penalties relating thereto.

Maurice W. Read  
*For The Committee*

## EXTENSIONS

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 115, relative to the notification of certain members of

the general court prior to the adoption of any regulations by state agencies.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 445, relative to overtime payment for certain classified state employees with arrest powers and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 369, increasing the salaries of classified state employees and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 433, increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the New Hampshire retirement system.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 435, levying an assessment against the state's revenue from alcoholic beverages for the alcohol and drug abuse program.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 425, to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people, and to abolish the crime of common drunkenness.

Granted.

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 285, relative to the taking of deer and the open season for deer.

Granted.

## NOTICE OF RECONSIDERATION

Rep. Record served notice that today or some subsequent day he will ask reconsideration of the House action in its passage of HB 355, providing that a test showing a blood alcohol content of ten-hundredths percent or over shall be conclusive evidence of intoxication in cases of driving while intoxicated.

## COMMITTEE REPORTS

Rep. Sayer moved that the resolution on revenue estimates (house rule 32) offered by the Ways and Means Committee be accepted.

**Resolution**  
**Offered by the**  
**Committee on Ways and Means**

In conformity with the requirements of House Rule 32 paragraph (v) requiring the Ways and Means Committee to submit a House Resolution on or before April 1 giving a definitive estimate of all revenue available to the State from current revenue sources as of January first, the Ways and Means Committee hereby offers the following resolution:

*Be It Resolved* by the House that its estimate of all such revenue available except as set forth below from Legislative Budget Assistant, Governor's Office and State Agencies:

**COMPARATIVE SCHEDULE OF UNRESTRICTED  
GENERAL FUND REVENUES FOR FISCAL YEARS  
1973 (REVISED ESTIMATES), 1974-1975 (ESTIMATES)**

As of March 1973  
Ways and Means Committee

	1973 Revised Estimates		
	L.B.A.	Governor	Agency
Beer	\$2,950,000	\$3,153,305	\$2,901,000
Board and Care	2,700,000	2,700,450	2,635,000
Business Profits Tax	17,300,000	17,000,000	17,000,000
Commuter Income Tax	3,000,000	3,000,000	3,000,000
Estate and Legacy Tax	5,150,000	5,400,000	5,400,000
Resident Tax	1,650,000	1,800,000	1,650,000



	L.B.A.	Governor	Agency
Insurance	5,540,000	5,543,900	5,767,390
Liquor	28,000,000	28,147,023	27,100,000
Meals and Rooms	6,000,000	5,700,500	5,700,000
Other	4,600,000	4,296,086	*4,300,000
Racing: Dog	300,000	230,000	393,300
Racing: Harness	4,300,000	4,333,919	4,477,337
Racing: Thoroughbred	5,950,000	5,261,367	5,948,867
Telephone	4,750,000	4,750,000	4,750,000
Tobacco	24,000,000	24,400,000	24,400,000
Utilities	1,100,000	1,100,000	1,100,000

TOTAL	\$117,290,000	\$116,816,550	\$116,522,894
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\*Governor's recommended

## 1974 Estimates

Beer	\$3,000,000	\$3,423,153	\$2,901,000
Board and Care	2,900,000	2,866,300	2,925,000
Business Profits Tax	17,500,000	17,500,000	17,500,000
Commuter Income Tax	3,250,000	3,250,000	3,250,000
Estate and Legacy Tax	5,000,000	4,500,000	4,500,000
Resident Tax	1,650,000	1,900,000	1,800,000
Insurance	6,050,000	6,096,900	6,299,190
Liquor	30,300,000	30,543,384	29,394,000
Meals and Rooms	6,200,000	5,851,500	5,850,000
Other	5,000,000	4,926,867	*5,000,000
Racing: Dog	1,000,000	2,760,000	2,756,000
Racing: Harness	4,000,000	4,439,000	4,414,000
Racing: Thoroughbred	5,600,000	5,412,500	5,400,000
Telephone	4,750,000	4,750,000	4,750,000
Tobacco	24,500,000	25,200,000	25,200,000
Utilities	1,100,000	1,200,000	1,200,000

TOTAL	\$121,800,000	\$124,619,604	\$123,139,190
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\*Governor's recommended

## 1975 Estimates

Beer	\$3,050,000	\$3,717,991	\$2,901,000
Board and Care	3,000,000	3,058,300	3,260,000
Business Profits Tax	18,000,000	18,000,000	18,000,000
Commuter Income Tax	3,500,000	3,500,000	3,500,000
Estate and Legacy Tax	5,000,000	4,500,000	4,500,000
Resident Tax	1,700,000	2,000,000	1,900,000

	L.B.A.	Governor	Agency
Insurance	6,100,000	6,163,100	6,355,103
Liquor	31,900,000	33,139,975	31,404,000
Meals and Rooms	6,400,000	6,001,500	6,000,000
Other	5,100,000	5,102,412	*5,100,000
Racing: Dog	4,000,000	3,395,000	3,391,000
Racing: Harness	4,000,000	4,567,500	4,542,500
Racing: Thoroughbred	5,600,000	5,512,500	5,500,000
Telephone	4,750,000	4,750,000	4,750,000
Tobacco	24,500,000	26,000,000	26,000,000
Utilities	1,100,000	1,250,000	1,250,000

TOTAL	\$127,700,000	\$130,658,278	\$128,353,603
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\*Governor's recommended

Above figures do not include revenue sharing funds, federal funds that may be available or income gained or income lost from pending legislation.

(discussion)

Reps. Elmer L. Johnson, Drake, Gerry F. Parker, Spirou, Belcourt, and George B. Roberts, Jr. spoke in favor of the motion.

Report accepted.

Rep. Sayer moved that HB 175, permitting persons eighteen years of age or over to purchase sweepstakes tickets, be taken off the table.

Motion lost.

The Speaker called for the Special Order on:

## HCR 7

to petition Congress to propose the "Liberty Amendment" to the United States Constitution. Majority: Inexpedient to legislate; Rep. Joncas for Constitutional Revision. Minority: Ought to pass with amendment. (Reps. Estabrook, Laurent J. Boucher and Valliere).

Majority: This resolution proposed such massive changes in our government structure and operation that the majority of the committee did not feel that it was warranted.

Minority: The Minority felt there is merit in the discussion of the massive size of our federal government and a public

discussion on a national level would be very worthwhile. The amendment would delete section IV of the proposed liberty amendment.

Rep. Joseph M. Eaton spoke in favor of the majority report.

Rep. Estabrook moved that the report of the minority, ought to pass with amendment, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Rep. Gerry F. Parker spoke against the motion.

(discussion)

Reps. Chandler, Barrus, Joseph L. Cote and Elmer L. Johnson spoke in favor of the motion.

Reps. Gillmore, Daniell and Harvell spoke against the motion.

Rep. Spirou moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Rep. Spirou moved that HCR 7 be indefinitely postponed.

Adopted.

## RECESS

## AFTER RECESS

## SENATE MESSAGE

### CONCURRENCE HB WITH SENATE AMENDMENT

HB 110, relative to maliciously letting loose vessels.

(Amendment printed S. J. April 4)

Rep. Frizzell moved that the House concur with the Senate amendment.

Adopted.

## VACATE

Rep. Greene moved that the House vacate the reference of HB 664, amending in general the conservation commission en-

abling act to the committee on Statutory Revision and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

### COMMITTEE REPORTS CONTINUED

#### **HB 463**

establishing a sire stakes program and a standardbred breeders and owners development agency. Ought to pass. Rep. Colburn for Environment and Agriculture.

The analysis describes the bill very well and the committee feels this a worthwhile program for the state of New Hampshire.

Referred to Appropriations.

#### **HB 531**

relative to election of a town board of assessors. Ought to pass. Rep. Bergeron for Municipal and County Government.

Permissive legislation which allows any town to vote at annual meeting for election of a three person board of assessors; this permission is presently open only to towns of over 6,000 population.

Ordered to third reading.

#### **HB 519**

relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Clarifies the position of a salesman or broker working with a real estate firm so they, in the full sense of the law, do not qualify as employees and hence payments for unemployment security will not be required nor can the salesman or broker receive unemployment payments.

Ordered to third reading.

#### **HB 485**

providing for a minimum of eight hours to vote on bond issues. Inexpedient to legislate. Rep. Arnold B. Perkins for Municipal and County Government.

Holding the polls open for eight hours, two of which are after 6:00 p.m. could impose a hardship on municipalities where bonds or notes of small denomination were to be

voted; the governing body would be able to close the polls at their convenience, thereby negating the mandatory provisions for hours of voting.

At the request of Rep. Read, Rep. Benton answered questions.

Rep. Read moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion and subsequently withdrew his motion.

Resolution lost.

Rep. Hanson moved that HB 485 be recommitted to the committee on Municipal and County Government.

Adopted.

#### **HCR 14**

honoring prisoners of war. Ought to pass. Rep. Milne for Resolutions and Screening.

Committee believes this resolution is appropriate for the program scheduled for Tuesday evening honoring the returning POWs.

Ordered to third reading.

#### **HB 253**

to adopt an occupational safety and health law for the state of New Hampshire. In new title and new draft with the recommendation that the report be adopted and that the bill be recommitted. Rep. Stevenson for Labor, Human Resources and Rehabilitation.

The committee is asking for new draft, new title and re-committed to the committee because the amendments are so long and complex that they feel another public hearing should be held so that the public will know or will have the opportunity to know the consequences of these amendments.

Adopted.

#### **HB 507**

providing for unemployment compensation dependency payments. Inexpedient to legislate. Rep. McDonough for Labor, Human Resources and Rehabilitation.

Withdrawn by sponsor.

Resolution adopted.



**HB 547**

authorizing housing authorities to recognize unions and enter into collective bargaining contracts with such unions. Ought to pass. Rep. McGlynn for Labor, Human Resources and Rehabilitation.

This bill will authorize housing authorities to recognize and enter into collective bargaining contracts with unions.

Rep. Merrill explained the bill.

(discussion)

A division was requested.

It being manifestly in the affirmative, HB 547 was ordered to third reading.

**HB 586**

providing for unemployment compensation dependency payments. Inexpedient to legislate. Rep. Ineson for Labor, Human Resources and Rehabilitation.

Withdrawn by sponsor.

Resolution adopted.

**HB 593**

relative to shortening the standard workweek to thirty-two hours. Inexpedient to legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Has merit but not feasible at this time.

Rep. Merrill explained the committee report.

Resolution adopted.

**HJR 30**

relative to the purchase of a fire truck for the city of Concord and making an appropriation therefor. Ought to pass. Rep. Hebert for Municipal and County Government.

Through the University budget the towns of Durham and Plymouth have in the past been provided with fire apparatus. The Committee felt that this fact should not be regarded as a precedent, but that each such request must be based on its own merit. The Concord Fire Department furnishes fire prevention service and answers fire calls to ninety state-owned and occupied buildings, valued at about \$90 million. This appropriation would allow for a modern

rear-mounted ladder truck, requiring less personnel to operate, to replace a 1948 model.

Rep. Palfrey moved that HJR 30 be laid on the table.

Motion lost.

Referred to Appropriations.

### HB 513

relative to leave of absence of state legislators during term of general court. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

The committee feels that this problem must be resolved between employee and employer. It could seriously effect the employer of small numbers.

Rep. Elizabeth E. Goff moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Russell C. Chase, Harvell, Fred E. Murray and Gerry F. Parker spoke against the motion.

(discussion)

Reps. Mary J. Sullivan, Gorman, Conway, Daniell and Chris K. Andersen spoke in favor of the motion.

Rep. Goff spoke a second time in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

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Rep. David J. Bradley moved that the Speaker appoint a temporary committee of five members to consider all reasonable methods for listing, coordinating, and controlling the bills introduced in any one session; such committee to report to this house by Tuesday, May 29, their recommendations, which, if approved by the house, will be deemed to be advisory for the 1975 session of the legislature, and spoke in favor of the motion.

Adopted.

## SUSPENSION OF RULES

Reps. George B. Roberts, Jr. and Spirou moved that House Rule Number 58 be so far suspended so as to permit the reporting of any bill or resolution containing an appropriation by any standing committee other than appropriations through Thursday, April 12, 1973.

Rep. Roberts spoke in favor of the motion.

Adopted by the necessary two-thirds.

## EXTENSION

Rep. Spollett moved that the committee on Interstate Cooperation be granted a six-day extension on HB 320, adopting daylight savings time as the official time of the state of New Hampshire from this time forward.

Granted.

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The Speaker gave a report on his trip to Washington.

(discussion)

Rep. Lawton moved that the Speaker's remarks be printed in the Journal.

Adopted.

SPEAKER'S REPORT ON HIS TRIP  
TO WASHINGTON

During a recent conference in Washington, D. C. those of us on the Intergovernmental Relations Committee of the National Legislative Conference met at the White House with President Nixon and several Cabinet officials. Because this was an enlightening session on the President's budget, I would like to share the highlights of it with you.

The President explained that a cutback in Federal spending is the only alternative to either runaway inflation or a tax increase or both. Despite the necessity of holding down increases in the budget, this year's budget request is the largest in history and, for example, allocates twice as much money to domestic affairs as four years ago. Vast numbers of programs will still be funded.

The President indicated some programs should remain at the Federal level, but he indicated his administration would like to emphasize *special* revenue sharing. This means Federal monies will go directly to the States and municipalities for use in a specified general area — e.g., education. Special revenue sharing should not be confused with general revenue sharing which can be used in any area the state or municipalities see fit, except for the area of educational operating expenses. It should also not be confused with categorical grants which are rigidly tied to very specific programs. In fact, special revenue sharing is designed to replace categorical grants as the former is a more flexible system and gives localities considerably more discretion, responsibility and control. This will help strengthen state and local governments.

President Nixon feels that states and localities should have more control over the programs that directly affect them and that state and local governments can actually do a better job than the Federal government in establishing and implementing programs. In addition, mistakes in local programs will not affect the entire country whereas mistakes in Federally run programs are suffered nationwide.

The President would like to further reduce defense spending but feels he cannot reduce our Nation's strength while bargaining with China and Russia. Defense spending now represents 32% of the Federal budget compared to 45% four years ago. In contrast, the domestic share of the budget has risen to 47% compared to 30% four years ago.

Federal grants amounted to \$25 billion in 1968, \$35 billion in 1971 and \$45 billion in 1973. The last congress increased spending by 12% to 15% and if we are to curb inflation or prevent a tax increase, we must get a handle on this out of control spending.

HEW Secretary Weinberger and Budget Director Roy Ash also talked to us about the Federal government returning responsibility to the states and municipalities. They said that federal money used to match private dollars will be continued but the guidelines will be tighter. The budget sent to congress 60 days ago is larger than that of previous years. In 1972, it was \$232 billion; in 1973 \$250 billion; and in 1974 \$268.7 billion. In 1953, all government spending was 20% of the GNP and in 1973, 39%.

In regard to welfare payments, Mr. Weinberger told us that poor handling has been the problem rather than fraud. HEW is therefore trying to build quality control into the system rather than cutting welfare payments to states where fraud appears to occur.

In regard to education, HEW is recommending that the 32 current categorical programs be streamlined to 1 education program with 5 divisions.

HEW will allocate much of the decision making to 9 regional offices which are closer to the states and will provide quicker answers to specific problems.

Agriculture Secretary Butz informed us that of the \$11 billion budget it requested, \$4 billion will go toward food assistance programs run by the states. 13,000,000 are still on food stamps and 27,000,000 children are in school food programs. In spite of some proposed cuts, many programs will actually be increasing.

Housing Secretary James Lynn explained that some of his department's program will be changed because more flexibility is necessary to meet the needs of various sized communities. Federal support programs for housing would have cost \$60 to \$70 billion by the 1980's if current trends continued, so these programs need careful scrutiny. He recommends \$2.3 billion for the Better Communities Act starting July 1, 1974.

As a member of the Natural Resources Task Force of the Intergovernmental Relations Committee, I also learned a great deal about the energy crisis. I won't go into the problem of a pending gasoline shortage at this time, except to say that I am very concerned and that my office is investigating this matter further. For the potential impact of a gasoline shortage on New Hampshire — a state whose revenues are dependent upon the tourist trade — is alarming.

I expect to further elaborate on this problem at a future date.

The Speaker announced that the balance of the bills on today's calendar will be held over for next Tuesday's calendar.

(Deputy Speaker in the Chair)

Rep. George B. Roberts, Jr. moved that we now adjourn



from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns it adjourn to meet Tuesday next at 11:00 a.m.

Adopted.

### LATE SESSION

Third reading and final passage

HB 531, relative to election of a town board of assessors.

HB 519, relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282.

HCR 14, honoring prisoners of war.

HB 547, authorizing housing authorities to recognize unions and enter into collective bargaining contracts with such unions.

### RECONSIDERATION

Rep. Harvell moved reconsideration on HB 513, relative to leave of absence of state legislators during term of general court.

Reconsideration lost.

### RECONSIDERATION

Rep. Vachon moved reconsideration on HCR 14, honoring prisoners of war.

Reconsideration lost.

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Consent Calendar Day Wednesday morning April 11; regular calendar Wednesday afternoon.

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The Speaker announced that Rep. Gemmill is getting married on Saturday.

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On motion of Rep. Chandler, the House adjourned at 3:46 p.m. in honor of Rep. Gemmill.

*Tuesday, 10Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

We thank You, God, our Grace, for being alive tomorrow and today; for this earth; for bread and light; for the people around us, today and yesterday and every day. We thank You for our lives here and now, lives laborious and full of joy. May they rebound to Your greater glory. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Tirrell led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Marsh, Elizabeth E. Goff, Nutt, Hough, Van Loan, Milbank, Wayne E. Helie, and Allen, the day, important business.

Reps. Gemmill and Lemire, the week, important business.

Rep. Dorthea M. O'Neil, the day, illness.

Reps. Hammond and G. Winthrop Brown, the week, illness.

## RESOLUTION

Rep. Bigelow offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bill number 778 shall be by this resolution read a first and second time by the therein listed title, laid on the table for printing and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL

First, second reading & referral

HB 778, establishing a joint committee on legislative management. (Zachos of Hillsborough Dist. 25; O'Neil of Cheshire Dist. 2; Roberts of Belknap Dist. 4; Coutermarsh of Hillsbor-

ough Dist. 24; Vachon of Hillsborough Dist. 33; Spirou of Hillsborough Dist. 27 — To Legislative Administration.)

### SENATE MESSAGES

#### CONCURRENCE

HB 414, to establish a procedure to repeal historic districts in cities and towns.

HB 449, relative to the establishment of reserve funds.

HB 421, relative to the appraisal of and payment for diseased animals after their condemnation.

#### NONCONCURRENCE

HB 330, to provide a limit on the number of beaver an individual may take during an open season.

### INTRODUCTION OF SB AND SCR

First, second reading and referral

SB 18, requiring reflectorized number plates on motor vehicles. Statutory Revision.

SCR 6, relative to the effect of the Federal Budget Cutbacks on the fiscal affairs of the State of New Hampshire. Appropriations.

### ENROLLED BILLS REPORT

HB 110, relative to maliciously letting loose vessels.

HB 421, relative to the appraisal of and payment for diseased animals after their condemnation.

Maurice W. Read  
*For The Committee*

### EXTENSIONS

Rep. Claflin moved that the Carroll County Delegation be granted a six-day extension on HB 415, establishing districts for the election of County Commissioners in Carroll county.

Granted.

Rep. Hamel moved that the joint committee on Transportation and Resources, Recreation and Development be granted

a six-day extension on HB 468, relative to excavating, filling, mining and constructing in the waters and wetlands of the state; establishing a wetlands authority and making an appropriation therefor; revising the boat license fees; and repealing the town tax on boats.

Granted.

## RECESS

### AFTER RECESS

### EXTENSIONS

Rep. Keefe moved that the Portsmouth Delegation be granted a six-day extension on HB 567, relative to the interest rate charged on delinquent taxes in the city of Portsmouth.

Granted.

Rep. Benton moved that the committee on Municipal and County Government be granted a six-day extension on SB 30, requiring the separate listing of homestead residence property.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 470, establishing a New Hampshire Housing Commission; and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 471, increasing the membership of the Personnel Commission.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 473, providing that the tenure of the Attorney General be coterminous with the term of Governor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension

on HB 494, establishing a state agency investigating committee to examine the rules and regulations of state agencies and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 144, relative to the inclusion of police employees in the New Hampshire retirement system.

Granted.

Rep. Collishaw moved that the committee on Liquor Laws be granted a six-day extension on HB 464, relative to off-sale permits.

Granted.

Rep. Cummings moved that the Rockingham County Delegation be granted a six-day extension on HB 474, increasing the mileage allowance for sheriffs and deputies in Rockingham county.

Granted.

## COMMITTEE REPORTS

### HB 583

to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director. Ought to pass. Rep. Greene for Environment and Agriculture.

This bill provides that the pesticides surveillance scientist may perform in same capacity as the chief aquatic biologist as a member of the pesticides control board in the absence of the executive director.

Ordered to third reading.

### HB 398

prohibiting use of certain types of traps. Ought to pass with amendment. Rep. Polak for Fish and Game.

Prohibits use of traps larger than size 220.



## AMENDMENT

Amend RSA 210:11-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

210:11-a Restriction on Certain Traps. It shall be unlawful for any person to set any "conibear" traps or similar trap of a size larger than number 220, except when the trap is:

I. Five feet or more above the ground or surface of the snow with the exception of a snow storm during the previous twenty-four hours;

II. In water for trapping beaver or otter; or

III. Set for bear under the provisions of RSA 208:22 and RSA 210:15.

Amendment adopted.

Ordered to third reading.

**HB 447**

to define the terms "when accompanied" as used in the fish and game laws. Ought to pass with amendment. Rep. Maynard for Fish and Game.

Defines the term "when accompanied" more accurately.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Definition of When Accompanied. Amend RSA 207:1, as amended, by inserting at the end of said section, the following new paragraph:

When accompanied: within sight and hearing, excluding electronic devices, when actual physical direction and control can be effected.

Amendment adopted.

Ordered to third reading.

**HB 569**

relative to the time of delivery of the county budget statement. Ought to pass with amendment. Rep. Madeline G. Townsend for Municipal and County Government.

Provides approximately two weeks additional time for county commissioner to present budget statement to county delegation and others; also takes into consideration the fact that in future, counties may operate on a fiscal year basis.

#### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 County Budget Statement. Amend RSA 24:21, as amended, by striking out said section and inserting in place thereof the following:

24:21 Budget Statement. The county commissioners shall deliver or mail to each member of the county convention, the chairman of the board of selectmen in each town and the mayor of each city within the county and to the secretary of state prior to the fifteenth day of February annually, a statement of the condition of the county treasury on the preceding December thirty-first, or if the county is on an optional fiscal year basis pursuant to RSA 31:94-a, prior to the fifteenth day of August a statement of the condition of the county treasury on the preceding June thirtieth, accompanied by their itemized recommendations of the sums necessary to be raised for the county in the year next ensuing, stating therein in detail the objects for which the money is required. No county convention shall vote appropriations for the ensuing budget period until twenty-eight days shall have elapsed from the mailing of such statements.

Amendment adopted.

Ordered to third reading.

#### HB 635

relative to temporary loans under the municipal finance act. Ought to pass. Rep. Roy W. Davis for Municipal and County Government.

Bill amends existing statute in that municipalities operating under the Municipal Finance Act may refinance long term obligations on an annual basis to secure most favorable rate of interest; there must be a reduction of the prin-

cipal each year at the time of refinancing, during the life of the long-term loan.

Ordered to third reading.

#### **HB 496**

providing an appropriation for old age assistance. Ought to pass. Rep. Vesta M. Roy for Public Health and Welfare.

This bill provides for additional funds to be paid to eligible old age, blind and disabled assistance recipients, who by virtue of an increase in social security payments receive less assistance from the state. The bill provides for payments to be made in a manner as may be determined by the director of welfare that would be least expensive to the state and localities, from the passage of this act to December 31, 1973. The federal government will take over the welfare program on January 1, 1974. The potential cost for a six-month period is three hundred and twelve thousand dollars.

Referred to Appropriations.

#### **HJR 35**

making an appropriation for increased monthly allowances for welfare recipients in nursing homes. Ought to pass with amendment. Rep. Roma A. Spaulding for Public Health and Welfare.

This joint resolution would increase the monthly allowance of welfare recipients in nursing and rest homes to \$15.00 per month. The sum of \$165,000 to be appropriated for the six months period from July 1, 1973 through December 31, 1973.

#### **AMENDMENT**

That the sum of one hundred sixty five thousand dollars for the 6 months period beginning July 1, 1973 and ending December 31, 1973, is appropriated to the department of health and welfare, division of welfare, to be used to increase the personal monthly allowance of recipients of public assistance in nursing and rest homes to the sum of fifteen dollars per recipient per month. The Governor is authorized to draw his warrants

for the sums appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

#### **HB 516**

to restrict motorboats exceeding fifty horsepower from operation upon Highland Lake. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Committee feels this matter would be more equitably dealt with by following the procedure of a petition to the Division of Safety Services for a public hearing and regulations resulting therefrom.

Resolution adopted.

#### **HB 565**

requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported. Ought to pass. Rep. Hamel for Transportation.

Because of inflation, the minimum reportable accident would be \$200. No opposition.

Ordered to third reading.

### **NOTICE OF RECONSIDERATION**

Rep. Russell C. Chase served notice that tomorrow or some subsequent day he will ask reconsideration of the action the House took on HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director; HB 398, prohibiting use of certain types of traps; HB 447, to define the terms "when accompanied" as used in the fish and game laws; HB 569, relative to the time of delivery of the county budget statement; HB 635, relative to temporary loans under the municipal finance act; HB 516, to restrict motorboats exceeding fifty horsepower from operation upon Highland Lake; HB 565, requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported; HB 496, providing an appropriation for old age assistance; and HJR 35, making an appropriation for increased monthly allowances for welfare recipients in nursing homes.

Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns it adjourn to meet tomorrow at 11:00 a.m. for the morning session and 1:30 p.m. for the afternoon session.

### LATE SESSION

#### Third reading and final passage

HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director.

HB 398, prohibiting use of certain types of traps.

HB 447, to define the terms "when accompanied" as used in the fish and game laws.

HB 569, relative to the time of delivery of the county budget statement.

HB 635, relative to temporary loans under the municipal finance act.

HB 565, requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported.

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Consent Calendar Day Wednesday morning April 11th; regular calendar Wednesday afternoon.

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On motion of Rep. Merrill the House adjourned at 1:11 p.m. in honor of her first grandson.

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*Wednesday, 11Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.



Let our world have Your blessing, God, remain with us no matter what may happen. Give us from Your hand our lives with all its cares and pleasures. And we hope for a life of happiness in this world and in the world to come. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Ainley led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Rep. Dorteia M. O'Neil, the day, illness.

Rep. Record, today and tomorrow, illness.

Reps. Deoss and Southwick, the day, important business.

### RESOLUTION

Rep. Ainley offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 779 through 800 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 779, to require the use of seat belts in school buses. (Nelson of Hillsborough Dist. 9 — To Education.)

HB 780, relative to approved subdivision plans. (Belair of Rockingham Dist. 5; Spalding of Hillsborough Dist. 10 — To Environment and Agriculture.)

HB 781, relative to embalmers, morticians and funeral directors. (Perkins of Merrimack Dist. 8 — To Public Health and Welfare.)

HB 782, providing for a referendum for capital expenditures in excess of two hundred thousand dollars for the union school district in Concord. (Haller of Merrimack Dist. 14 — To Special Committee on Concord Delegation.)

HB 783, relative to trapping and the types of traps permitted. (Cushman of Merrimack Dist. 9; Maynard of Rockingham Dist. 18 — To Fish and Game.)

HB 784, relative to hawkers and peddlers and street sales. (Bergeron of Hillsborough Dist. 14 — To Statutory Revision.)

HB 785, to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts. (Nardi of Hillsborough Dist. 27 — To Education.)

HB 786, relative to the name of certain buildings in Coos County. (Patrick of Coos Dist. 1 — To Special Committee on Coos Delegation.)

HB 787, exempting single or double septic tank units from the requirement of approval by water supply and pollution control commission, under certain conditions. (D'Amante of Sullivan Dist. 5; Bradley of Grafton Dist. 5 — To Resources, Recreation and Development.)

HB 788, relative to warranty bond for automobiles sold in this state. (Gelinas of Hillsborough Dist. 31 — To Transportation.)

HB 789, relative to regulation of small loans. (Hough of Grafton Dist. 14 — To Banks and Insurance.)

HB 790, relative to exemptions from attachments. (Hough of Grafton Dist. 14 — To Judiciary.)

HB 791, relative to reports of Rockingham county convention proceedings. (Cummings of Rockingham Dist. 7 — To Special Committee on Rockingham Delegation.)

HB 792, providing for a license to fly-fish. (Cummings of Rockingham Dist. 7 — To Fish and Game.)

HB 793, providing for the state treasurer to establish a special fund for reimbursements received for prefinanced water pollution control projects. (Spaulding of Sullivan Dist. 4 — To Resources, Recreation and Development.)

HB 794, relative to the salaries of justices, special justices and clerks of district courts. (McManus of Strafford Dist. 17 — To Judiciary.)

HB 795, relative to the regulation of mobile home parks and their construction and establishing an advisory commission. (Merrill of Grafton Dist. 14 — To Municipal and County Government.)

HB 796, relative to excusing school attendance for handicapped children. (Chamberlin of Grafton Dist. 2 — To Education.)

HB 797, relative to changing the amount of retainage withheld on state construction contracts. (Chandler of Merrimack Dist. 3 — To Public Works.)

HB 798, dealing with Unemployment Compensation. (Merrill of Grafton Dist. 14 — To Executive Departments and Administration.)

HB 799, abolishing the Lebanon Regional Airport Authority; and returning all holdings to the city of Lebanon and permitting Lebanon to establish a city airport authority. (Merrill of Grafton Dist. 14 — To Special Committee on Lebanon Delegation.)

HB 800, relative to workmen's compensation to state employees and reimbursing the general fund by transfer of funds. (Drake of Coos Dist. 8 — To Appropriations.)

#### SENATE MESSAGE CONCURRENCE

HB 250, requiring that no more favorable loan terms be granted by banks to officers thereof than to others.

HJR 7, in favor of George T. Ellis of Concord.

HB 75, relative to fines for depositing litter in prohibited areas.

#### EXTENSIONS

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 477, regulating food service establishments.

Granted.

Rep. Roma A. Spaulding moved that the committee on

Public Health and Welfare be granted a six-day extension on HB 490, relative to health services in public schools.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 555, establishing an office of consumer advocate; and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 418, providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor.

Granted.

## COMMITTEE REPORTS

### HB 633

relative to the maximum amounts of group life insurance for employees. Ought to pass. Rep. Gelinis for Banks and Insurance.

Increases amount of group insurance that may be issued to one person from eighty thousand dollars to one hundred fifty thousand dollars.

Ordered to third reading.

### HJR 27

providing an appropriation to reimburse Rockingham county for losses sustained due to well contamination. Inexpedient to legislate. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

The committee felt that the claim had some merit, but that the evidence presented at the hearing was insufficient to recommend passage of the resolution.

Resolution adopted.

### HB 605

relative to changing the open season on fisher. Inexpedient to legislate. Rep. Maynard for Fish and Game.

This act would change date for open season on fisher. Too long and too early.

Resolution adopted.

**SB 57**

lowering the age of majority to eighteen. Inexpedient to legislate. Rep. Close for Judiciary.

Covered by HB 403.

Resolution adopted.

**HB 465**

providing for workmen's compensation dependency payments. Lay on table. Rep. Skinner for Labor, Human Resources and Rehabilitation.

This subject matter is being discussed by labor-management council. Committee wishes to wait to see recommendations in agreed bill.

Laid on the table.

**HB 622**

relative to statement of expenditures requested by the budget committee. Ought to pass with amendment. Rep. Hammond for Municipal and County Government.

Pertains only to communities which have adopted the Municipal Budget Act. By meeting periodically and reviewing the expenditure up to that meeting, the budget committee would be more closely informed and would be better able to formulate plans for the following year's budget. "Periodically" is used rather than "quarterly", "semi-annually" etc. in order to allow municipalities maximum latitude in determining the most propitious time for review of expenditures.

AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Statement of Expenditures. Amend RSA 32:12 by inserting at the end thereof the following (The budget committee shall meet periodically to review the statement of all expenditures submitted to them by the selectmen, town manager, school



board or village district commissioners but such requirement to meet periodically shall not be construed to mean that the budget committee shall exercise authority over the expenditures at that time.) so that said section, as amended, shall read as follows:

32:12 Statement of Expenditures. Upon request by the budget committee the selectmen, town manager, school board, or village district commissioners shall forthwith submit to said budget committee a statement of all expenditures by them in such detail as the budget committee may require. The budget committee shall meet periodically to review the statement of all expenditures submitted to them by the selectmen, town manager, school board or village district commissioners but such requirement to meet periodically shall not be construed to mean that the budget committee shall exercise authority over the expenditures at that time.

Amendment adopted.

Ordered to third reading.

#### **HB 686**

relative to the lien for uncollected property taxes upon any house trailer or mobile home. Ought to pass. Rep. Roy W. Davis for Municipal and County Government.

Legislation increases the length of period of lien for uncollectible taxes on trailers, etc. from one to one and a half years, which makes the period of lien the same as for the period of lien on conventional buildings.

Ordered to third reading.

#### **HB 399**

authorizing the state of New Hampshire to acquire from the town of New Boston bridge No. 045-131. Ought to pass with amendment. Rep. Arthur F. Mann for Public Works .

The committee recommends that this bridge be brought up to state standards before its acceptance by the state as specified by the amendment. This action is agreeable to sponsor.

#### **AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Acquisition and Maintenance. The bridge over the middle branch of the Piscataquog river on route 136 in the town of New Boston, known as bridge number 045-131, which has heretofore been maintained by the town of New Boston shall become part of the secondary highway system and shall be maintained by the state. State acquisition shall be made upon improvement of the bridge by the town of New Boston to meet the state aid bridge standards as provided in RSA 242.

Amendment adopted.

Referred to Appropriations.

## RECESS

## AFTER RECESS

## COMMITTEE REPORTS CONTINUED

### HB 179

providing that fees for services of register of deeds in collection of real estate transfer tax be paid to county treasurer. Ought to pass with amendment. Rep. Drake for Appropriations.

Amendment eliminates Coos and Carroll counties from the act until such time as their respective county conventions vote to put the registers on salary.

## AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

## AN ACT

providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and providing special provisions for registers of deeds of Coos and Carroll counties.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Registers of Deeds. Amend RSA 23 by inserting after section 7 the following new sections:

23:8 Salaries for Counties Except Coos and Carroll. Every county, except Coos and Carroll, shall establish the salary for its register of deeds at a fixed dollar value. Said salaries may not be established either in part or in total as a percentage of fees or other charges or payments collected by said register. Said salaries shall be established not less than biennially by the county convention, upon recommendation of the executive committee. In no case shall the salary of any of said registers of deeds be a lesser amount than the salary which said register was receiving on the effective date of this section.

23:9 Coos and Carroll. Whenever the county convention of the county of Coos or the county of Carroll shall vote to establish a salary for its register of deeds it shall establish said salary at a fixed dollar value and shall not establish a percentage of fees in connection therewith. Whenever either of said counties shall so vote to establish a money salary all fees received by the register of deeds as such register, and all payments for services as such register including but not limited to payments for duties under RSA 78-B:8 relative to documentary stamps for the transfer of real estate shall be paid to the respective county treasurer for the use of the county.

2 Fees. Amend RSA 478 by inserting after section 17-f the following new section:

478:17-g Distribution. Each register of deeds, except of the counties of Coos and Carroll, shall pay over to his county treasurer, for use of the county, all fees received by him as such register and all charges paid to him for services arising out of or because of his office, including but not limited to payments for duties under RSA 78-B:8.

3 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Ordered to third reading.

## HJR 23

making a deficiency appropriation for fiscal 1972 and an additional appropriation for fiscal 1973 for the New Hampshire Retirement System. Ought to pass with amendment. Rep. Drake for Appropriations.

Amendment reflects reduced need for additional appropriation in FY 1973.

## AMENDMENT

Amend the bill by striking out the last paragraph of the resolving clause and inserting in place thereof the following:

That the sum of six hundred eighty thousand dollars is hereby appropriated for the fiscal year ending June 30, 1973, to be expended by the state treasurer for the normal and accrued liability contribution to the New Hampshire retirement system, and that the governor is hereby authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

**CACR 30**

relating to age qualifications for certain elective offices. Providing that no person shall be qualified to be elected governor or state senator until he is of voting age. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee feels that there is no reason to reduce the age of eligibility for governor and senator to eighteen.

Resolution adopted.

**HB 534**

providing for special education for gifted children and making an appropriation therefor. Inexpedient to legislate. Rep. Rock for Education.

Bill withdrawn.

Resolution adopted.

**HB 554**

requiring the university system to accept for admission all applicants from New Hampshire high schools in top fifty percent of their class. Inexpedient to legislate. Rep. Albert C. Jones for Education.

Testimony indicated a great deal of effort and investigation goes into the admission process at all levels of the university system. Present methods are satisfactory and more than fair. There was no indication of any qualified New Hampshire student who would be admitted under this bill has in effect ever been denied to admit an out-of-state student.

Rep. Joseph L. Cote moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. William P. Boucher, Albert C. Jones, Rock and Frizzell spoke against the motion.

(discussion)

Rep. Raymond spoke against the motion.

Motion lost.

Resolution adopted.

#### **HB 575**

relative to the municipal budget act being applied to supervisory school unions. Inexpedient to legislate. Rep. Lyons for Education.

The committee voted unanimously (1 abstention) that this bill had provisions that were unconstitutional and would cause more problems than it would solve. Portions of the bill were deemed inconsistent with other statutes.

Rep. Curran moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion and subsequently withdrew his motion.

Resolution adopted.

#### **HB 601**

relative to scholarships for orphans of veterans of the Southeast Asian conflict. Ought to pass. Rep. Rock for Education.

The analysis fully explains this legislation.

Referred to Appropriations.

#### **HB 640**

authorizing the governor to enter into contracts with veterinary medical schools. Ought to pass. Rep. Albert C. Jones for Education.

This bill would authorize the governor to enter into an agreement with any accredited school of veterinary medicine to provide openings for qualified New Hampshire residents. Such an agreement is now authorized only with Ohio



State University. The number of students aided by this program (RSA 332-C) would remain the same.

Ordered to third reading.

**HB 504**

creating an open space land study commission and making an appropriation therefor. Ought to pass. Rep. Greene for Environment and Agriculture.

This continues the open space land study commission for the next biennium in order to further study the problems facing the state: such subjects as land use controls, resource management, creation of a land use inventory, and others should be considered and solutions found. '

Referred to Appropriations.

**HB 603**

relative to sale of ice cream by weight. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Committee is sympathetic with sponsor, but feels bill would not solve problem. New Hampshire laws on ice cream are federal uniform standards. Federal standards provide that ice cream be sold by volume. Weight does not determine quality.

Rep. Greene moved that HB 603 be made a special order for Tuesday next and spoke in favor of the motion.

Adopted.

**HB 483**

to provide for republishing volume 3-A of Revised Statutes Annotated and making an appropriation therefor. Ought to pass with amendment. Rep. Noble for Executive Departments and Administration.

Provides for republishing or recompiling Volume 3-A of RSA under the direction of the Secretary of State.

**AMENDMENT**

Amend the title of the bill by striking same and inserting in place thereof the following:

## AN ACT

to provide for republishing or recompiling volume 3-A of Revised Statutes Annotated and making an appropriation therefor.

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 Revised Statutes Annotated. The secretary of state is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the republishing or recompiling, at his discretion, of volume 3-A of Revised Statutes Annotated. If a contract for recompilation is entered into, such contract shall provide for the editorial preparation, including renumbering of chapters and sections, and execution and integration of new acts, of acts specifically or generally amending existing law, and of notes and annotations, publications, and distribution. The reprinting or recompilation of the volume shall follow the general scheme for the original printing of Revised Statutes Annotated. Copy for said republished or recompiled volume 3-A shall be submitted to the office of legislative services for approval prior to its printing. The provisions of RSA 8 relative to competitive bidding for state purchases shall not apply to the contract authorized by this act.

2 Sales. The secretary of state is authorized to contract with the publisher of republished or recompiled volume 3-A of the Revised Statutes Annotated for the sale to the public at a price to be determined by the secretary of state.

3 Distribution. The secretary of state is authorized to distribute official bound copies of republished or recompiled volume 3-A of the Revised Statutes Annotated free of charge in the following manner: One copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire revision commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the United States court of appeals for the first circuit, the district court of the United States for this district, the United States department of justice, the library of congress, the New Hampshire Historical Society, the secretary of state, the state treasurer, the comptroller, a sufficient number of copies to the state library for its use and for

distribution to each state or territorial library of the United States on an exchange basis, twenty copies to the office of the director of legislative services, and fourteen copies to the office of the attorney general. Any state or territory making a charge to this state for copies of its laws shall in like manner be required to pay to the secretary of state the regular price for copies of the republished or recompiled volume 3-A of the Revised Statutes Annotated. The secretary of state may distribute additional copies of original and replacement volumes of the Revised Statutes Annotated to state government departments, offices and agencies for official use, subject to the approval of the governor and council.

4 Appropriation. There is hereby appropriated a sum not to exceed five thousand dollars for the purposes of sections 1, 2 and 3 of this act if the secretary of state decides to republish volume 3-A of the Revised Statutes Annotated. If the secretary of state decides to recompile volume 3-A of the Revised Statutes Annotated, then a sum not to exceed nine thousand dollars is hereby appropriated for the purposes of sections 1, 2 and 3 of this act. The governor is authorized to draw his warrant for the sum hereby appropriated or so much thereof as may be necessary for the purposes hereof, out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect on July 1, 1973.

Amendment adopted.

Referred to Appropriations.

### SUSPENSION OF RULES

Rep. Sayer moved that the rules of the House be so far suspended as to permit the introduction of SB 122, relative to the date for filing applications for tax year 1973 for exemptions for the elderly, not previously advertised in the calendar, dispense with printing, committee reference, and that it be placed on third reading and final passage at the present time, and spoke in favor of the motion.

Reps. George B. Roberts, Jr., Hackler and Coutermarsh spoke in favor of the motion.

Adopted by the necessary two-thirds.

## Third reading and final passage

SB 122, relative to the date for filing applications for tax year 1973 for exemptions for the elderly.

## COMMITTEE REPORTS CONTINUED

**HB 484**

to provide for cumulative pocket supplements for revised statutes annotated and making an appropriation therefor. Ought to pass with amendment. Rep. Cobleigh for Executive Departments and Administration.

Amendments directs Secretary of State to contract for publication of pocket supplements.

## AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Revised Statutes Annotated. The secretary of state, is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the editorial preparation, publication, and distribution of cumulative pocket supplements to the Revised Statutes Annotated for the statutes of a public and general nature passed at the 1975 biennial assembly of the general court and any special sessions prior to the 1975 session. Copy for said 1975 supplements shall be forwarded to the office of legislative services for approval prior to publication. The supplements shall follow the general scheme used for the pocket supplements for the 1955, 1957, 1959, 1961, 1963, 1965, 1967, 1969, 1971 and 1973 sessions of the general court, in accordance with the contract entered into by the secretary of state under the authority of 1955, 278:1. The provisions of RSA 8 relative to competitive bidding for state purchases shall not apply to the contract authorized under this act.

Amendment adopted.

Referred to Appropriations.

**HB 505**

to delete the positions of warden and deputy warden of the state prison from the list of positions which are entitled to

maintenance and to increase the statutory salary for each of these positions. Ought to pass with amendment. Rep. Noble for Executive Departments and Administration.

The warden and deputy warden no longer live on the prison grounds and have not since September 1, 1972. The appropriation of \$4,166.36 is in lieu of maintenance.

#### AMENDMENT

Amend the title of the bill by striking same and inserting in place thereof the following:

#### AN ACT

providing for a salary payment in lieu of maintenance for the warden and deputy warden of the state prison and making an appropriation therefor.

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 Optional Maintenance for Warden and Deputy Warden. Amend RSA 94 by inserting after section 5-a the following new section:

94:5-b State Prison Maintenance. In lieu of the maintenance provided for the warden and deputy warden of the state prison in RSA 94:5, they may elect, with the approval of the board of trustees of the state prison to receive the sum of two thousand five hundred dollars each year in addition to the salary provided for in RSA 94:1.

2 Appropriation. There is hereby appropriated the sum of seven thousand three hundred ninety five dollars and eighty-three cents to provide a payment in lieu of maintenance for the appropriate warden of the state prison from October 1, 1971 to June 30, 1973 and to provide a payment in lieu of maintenance for the appropriate deputy warden of the state prison from April 15, 1972 to June 30, 1973 in accordance with the provisions of section 1 of this act. The governor is authorized to draw his warrant for said sum appropriated out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect upon its passage. The comptroller is authorized to process salary payments retroactive to October 1, 1971, to provide a salary in lieu of mainte-



nance to the appropriate warden of the state prison and to April 15, 1972 to provide a salary in lieu of maintenance to the appropriate deputy warden of the state prison.

Amendment adopted.

At the request of Rep. Chandler, Rep. Hoar answered questions.

Referred to Appropriations.

#### **HB 493**

creating the position of executive secretary for the state conservation committee. Ought to pass. Rep. Hoar for Executive Departments and Administration.

Provides \$17,500 for an executive secretary to coordinate the activities of the ten county conservation committees.

At the request of Gerry F. Parker, Rep. Hoar answered questions.

Rep. Parker moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Reps. McLane and Coutermarsh spoke against the motion.

(discussion)

Rep. Sara M. Townsend spoke against the motion.

Rep. Townsend yielded to Rep. Hoar to answer questions.

Rep. George B. Roberts, Jr. spoke against the motion.

Rep. Parker withdrew the motion.

Referred to Appropriations.

#### **HB 592**

increasing the transfer tax share retained by registers of deeds. Ought to pass with amendment. Rep. Sununu for Municipal and County Government.

Legislation increases the amount of face value of transfer stamps (from real estate transactions) retained by the county register from four to ten percent. Balance of face value of transfer stamps to continue to be turned into the state tax commission.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

increasing the percentage of the transfer tax paid for collection thereof and providing that the same shall be paid to the counties.

Amend section 1 of the bill by striking out said section and inserting in place thereof the following:

78-B:8 Administration. This chapter shall be administered by the tax commission. The tax commission may establish such reasonable rules and regulations as may be necessary or desirable for the proper administration of this chapter. There is hereby appropriated the sum of twelve thousand dollars which shall be credited to the appropriation for the tobacco products tax division of the tax commission. The governor is authorized to draw his warrant for this sum out of any money in the treasury not otherwise appropriated. This sum shall constitute a continuing fund to be used to defray the cost of stamps, any approved machine or mechanical device furnished to registers of deeds or the tobacco products tax division of the tax commission to be used to produce indicia of payment of the tax, transportation, commission to be paid to counties, and other incidental expenses and for no other purpose than the administration of this chapter. Each county shall be paid for its services ten percent of the face value of the stamps or other approved indicia of payment of the tax sold in its registry, and all taxes so collected shall be remitted to the tax commission monthly or oftener. Each register of deeds shall give bond in such form and amount as the tax commission shall determine and the cost thereof shall be paid by the state as an expense of administering this chapter. All funds received from the sale of stamps and other approved indicia shall be credited to the fund established above, no portion of which shall lapse, but whenever the fund exceeds twelve thousand dollars, the excess shall be paid over to the treasurer.

Amendment adopted.

Referred to Appropriations.

**HB 692**

relative to the reimbursement of counties for sheriff's patrols and protection. Inexpedient to legislate. Rep. Ethier for Municipal and County Government.

The committee felt that the taxes paid by each municipality helped to cover the cost of the operation of the county sheriff's department. The patrols, protection and services provided to municipalities by the sheriff were considered to be a standard part of the sheriff's operations.

Resolution adopted.

**HB 662**

relative to the date on which local property tax bills will accrue interest. Inexpedient to legislate. Rep. Romeo A. Chasse for Municipal and County Government.

The committee gave due consideration to the beneficial intent of the bill to those who rely on funds due on or about December 1. However, it was pointed out that the interest charges, in event of payment overdue by only a few days, were so small that it would be unwise to amend the statute. Interest on \$300 property tax for ten days after December 1st would amount to only seventy-five cents. Additionally, banking activities holding funds in escrow for payment of property taxes could reap a "windfall" by holding funds for ten additional days before paying the property taxes.

Resolution adopted.

**HB 392**

relative to visitation to child-placing and child-caring agencies. Inexpedient to legislate. Rep. Vesta M. Roy for Public Health and Welfare.

Bill would remove local visitation rights.

Resolution adopted.

**HB 518**

relative to prompt determination of application for public assistance. Inexpedient to legislate. Rep. Donalda K. Howard for Public Health and Welfare.

Committee felt bill would not accomplish purpose for which it was intended.

Rep. McLane moved that HB 518 be recommitted to the committee on Public Health and Welfare, and spoke in favor of the motion.

Rep. George I. Wiggins spoke against the motion.

Rep. Roma A. Spaulding spoke in favor of the motion.

Recommitted to the Committee on Public Health and Welfare.

### HB 527

to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and making an appropriation therefor. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

The amendments provide for:

1. The distribution of the new volumes to Legislative Committees.
2. The requested appropriation is raised to \$44,000.
3. In line with previous practice, the contract will be negotiated by the Secretary of State.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following.

### AN ACT

to provide for replacement volumes 5, 5-A and 6 for Revised Statutes Annotated and to provide a complete set of Revised Statutes Annotated for each standing committee of the house and senate and making an appropriation therefor.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Revised Statutes Annotated. The secretary of state, is authorized and directed to contract with a competent and qualified law book publisher in the name of the state for the recompilation of volume 5 of Revised Statutes Annotated into two volumes and recompilation of volume 6. The contract for

recompilation shall provide for the editorial preparation, including renumbering of chapters and sections, and execution and integration of new acts, of acts specifically or generally amending existing law, and of notes and annotations, publication, and distribution of the three volumes, which shall be designated 5, 5-A and 6. The reprinting of the volumes shall follow the general scheme for the original printing of Revised Statutes Annotated. Copy for said replacement volumes 5, 5-A and volume 6 shall be submitted to the office of legislative services for approval prior to its printing. The provisions of RSA 8 relative to competitive bidding for state purchases shall not apply to the contract authorized under this act.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Distribution of Revised Statutes Annotated to Standing Committees. Amend RSA 20:16 (supp), as amended, by striking out said section and inserting in place thereof the following:

20:16 Distribution of Revised Statutes Annotated. The secretary of state is hereby authorized to distribute official bound copies of the Revised Statutes Annotated and replacement or supplement volumes thereof free of charge in the following manner. Unless otherwise directed by the chief justice of the supreme court, one copy to each of the following officers and bodies: The governor, the president of the senate, the speaker of the house, the members of the New Hampshire Revision Commission, each justice and clerk of the supreme and superior courts, each court of probate, the clerk of the supreme court of the United States, each judge of the circuit court of the United States for this district, district court of the United States for this district, the United States department of justice, the Library of Congress, the New Hampshire Historical Society, the State reporter, a sufficient number of copies to the state library for its use and for distribution to each state or territorial library of the United States on an exchange basis, any state or territory making a charge to this state for copies of its laws shall in a like manner be required to pay to the secretary of state the regular price for copies of the Revised Statutes Annotated, the secretary of state, the state treasurer, the comptroller, a sufficient number of copies to the office of the attorney general to provide each attorney in that office with a set and to provide such additional sets as may be needed for the use of its secretarial staff, a sufficient number



of copies to the clerks of the house and senate to provide each standing committee of the house and senate with one copy, and twenty copies to the office of the director of legislative services. Copies distributed to the clerks of the house and senate for the use of standing committees shall be stored and maintained by said clerks.

4 Appropriation. There is hereby appropriated a sum not to exceed forty-four thousand dollars for the purposes of sections 1, 2, and 3 of this act. The governor is authorized to draw his warrant for the sum hereby appropriated, or so much thereof as may be necessary for the purpose hereof, out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1973.

Reps. Newell and McLane explained the committee report.

(discussion)

Amendment adopted.

Referred to Appropriations.

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Rep. Harvell moved that HB 175 be taken from the table.

Adopted.

#### **HB 175**

permitting persons eighteen years of age or over to purchase sweepstakes tickets. Ought to pass with amendment. Rep. Splaine for Ways and Means.

Permits sale of sweepstakes tickets to persons eighteen years of age or older.

Rep. Harvell moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Adopted.

#### **RECONSIDERATION**

Rep. Edward A. Johnson moved reconsideration on HB 392, relative to visitation to child-placing and child-caring agencies.

Reconsideration lost.

## SUSPENSION OF RULES

Rep. McLane moved that the rules of the House be so far suspended as to allow the granting of an extension no later than May 3rd to the committee on Executive Departments and Administration on HB 532, providing for uniform language relative to terms of office and how vacancy is filled in regard to personnel of certain departments, agencies, commissions, compacts, boards and institutions of state government.

Adopted by the necessary two thirds.

## VACATES

Rep. McLane moved that the House vacate the reference of HB 765, providing full pay to state employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury, to the committee on Executive Departments and Administration and re-refer said bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

Rep. Roma A. Spaulding moved that the House vacate the reference of HB 597, prohibiting any community from banning the sale of phosphate detergents, to the committee on Public Health and Welfare and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

Rep. Hamel moved that the House vacate the reference of SB 18, requiring reflectorized number plates on motor vehicles, to the committee on Statutory Revision and re-refer said bill to the committee on Transportation.

Adopted.

## SENATE MESSAGES

## CONCURRENCE HB WITH SENATE AMENDMENT

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated or under the influence of drugs.

(Amendment printed SJ April 4).

Rep. Frizzell moved the House concur with the Senate amendment.

Adopted.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 397, relative to the permitted use of privies.

(Amendment printed SJ April 5).

Rep. Roma A. Spaulding moved the House concur with the Senate amendment.

Adopted.

#### RECONSIDERATION

Rep. Close moved that the House reconsider its action in passing HB 355, providing that a test showing a blood alcohol content of ten-hundredths percent or over shall be conclusive evidence of intoxication in cases of driving while intoxicated, and spoke in favor of the motion.

Rep. Hamel spoke against the motion.

(discussion)

Reps. Brungot, Paul McEachern, Cobleigh, Daniel J. Healy, Stevenson, Sayer and Buckley spoke in favor of the motion.

Reps. Knight and Richard L. Bradley spoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Reconsideration adopted.

Rep. Close moved that HB 355 be recommitted to the committee on Judiciary and spoke in favor of the motion.

Rep. D'Amante spoke against the motion.

Rep. Close withdrew his motion and moved that HB 355 be sent to a joint committee consisting of Judiciary and Transportation.

Rep. Gerry F. Parker spoke against the motion.

Rep. Daniel J. Healy spoke in favor of the motion.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the negative, the motion lost.

Rep. Meserve moved the HB 355 be recommitted to the committee on Transportation.

Adopted.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns, it adjourn to meet tomorrow at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HB 633, relative to the maximum amounts of group life insurance for employees.

HB 686, relative to the lien for uncollected property taxes upon any house trailer or mobile home.

HB 622, relative to statement of expenditures requested by the budget committee.

HJR 23, making a deficiency appropriation for fiscal 1972 and an additional appropriation for fiscal 1973 for the New Hampshire Retirement System.

HB 179, providing that the salaries of registers of deeds of all counties except Coos and Carroll be a fixed amount and all fees for their services be paid to the respective county treasurer, and providing special provisions for registers of deeds of Coos and Carroll counties.

HB 640, authorizing the governor to enter into contracts with veterinary medical schools.

J. Milton Street has been appointed Vice Chairman of the Ethics Committee of the American Society of Legislative Clerks.

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Consent Calendar Day Wednesday morning April 18; regular Calendar Wednesday afternoon.

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On motion of Rep. Spollett the House adjourned at 4:03 p.m.

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### *Thursday, 12Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord**, we believe that You are a living God. We believe that You speak to us through life experience. Because of our belief in an ever-developing life and the diversity of life, we commit and hold ourselves accountable to be concerned with life and also with the quality of life of all Your people. We will be responsible to prepare the way of the Lord, by educating in the ways of justice, love and peace, by welcoming through integration the poor, the helpless, the outcast and the outsider. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Collishaw led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Ladd, the day, death in the family.

Rep. H. Gwendolyn Jones, today and next Tuesday, important business.

Rep. Altman, today and next week, important business.

#### RESOLUTION

Rep. Drake offered the following:



*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 801 through 807 and 810 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 801, relative to expenses of county investigatory committees. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 802, permitting the city of Franklin to suspend the verification of the checklist. (Daniell of Merrimack Dist. 13 — To Special Committee on Franklin Delegation.)

HB 803, to reclassify the surface water of Nubanusit Brook and the headwaters of Lake Skatutakee in the town of Harrisville. (Milbank of Cheshire Dist. 10 — To Resources, Recreation and Development.)

HB 804, establishing the ward lines and providing for redistricting the city of Franklin. (Daniell of Merrimack Dist. 13 — To Special Committee on Franklin Delegation.)

HB 805, relative to indemnification agreements between architects, engineers, or surveyors and owners, contractors or subcontractors. (Sanborn of Rockingham Dist. 9 — To Statutory Revision.)

HB 806, relative to time of notice to quit from landlords. (Currier of Hillsborough Dist. 15 — To Statutory Revision.)

HB 807 permitting the director of the division of motor vehicles to use a facsimile signature on any official document signed by his authority. (Currier of Hillsborough Dist. 15 — To Transportation.)

HB 810, establishing a legislative facilities committee; and making an appropriation therefor. (Davis of Carroll Dist. 2; Bigelow of Merrimack Dist. 3; Drake of Coos Dist. 3; Cate of Merrimack Dist. 14; Stevenson of Grafton Dist. 3; Raymond of Cheshire Dist. 12; O'Neil of Hillsborough Dist. 32; Roberts of Belknap Dist. 4; Spirou of Hillsborough Dist. 27; Lemire of

Coos Dist. 8; Zachos of Hillsborough Dist. 25 — To Public Works.)

### SUSPENSION OF RULES

Rep. McLane moved that the rules of the House be so far suspended as to allow the granting of an extension not later than May 1 to the committee on Executive Departments and Administration on all bills pertaining to state employees pay rates, fringe benefits and pension or retirement benefits.

Adopted by the necessary two-thirds.

HB 487, providing for merit incentive payments to state employees and funds, and differential compensation for state employees; and making an appropriation therefor.

HB 499, increasing sick leave benefits for state employees.

HB 501, providing overtime pay for classified state employees and making an appropriation therefor.

HB 509, to increase the salaries of state classified employees and making an appropriation therefor.

HB 521, providing for cost of living additions to the Policemen's Retirement System and making an appropriation therefor.

HB 522, increasing the salary of the assistant commissioner of safety and making an appropriation therefor.

HB 524, to provide beneficiary rights under the New Hampshire Permanent Firemen's Retirement System.

HB 525, providing for the limitation of workmen's compensation and other offsets under disability retirements for members of group II under the New Hampshire Retirement System and making an appropriation therefor.

HB 535, providing for increased retirement to members of the New Hampshire Policemen's Retirement System.

HB 536, providing for twenty years retirement for members of group II under the New Hampshire retirement system.

HB 523, increasing the salary of the director of motor vehicles and making an appropriation therefor.

HJR 39, appropriating funds to the department of personnel to study retirement allowances.

### VACATES

Rep. French moved that the House vacate the reference of HB 779, to require the use of seat belts in school buses, to the committee on Education and re-refer said bill to the committee on Transportation.

Adopted.

Rep. Clafin moved that the House vacate the reference of HB 582, amending the appropriation for the Winnepesaukee River Basin Pollution Control Program, to the committee on Resources, Recreation and Development and re-refer said bill to the committee on Appropriations.

Adopted.

### HOUSE RESOLUTION NO. 13

Rep. Drake offered the following:

requesting an advisory opinion from the Supreme Court relative to the constitutionality of House Bill 619

*Whereas*, House Bill 619, an act authorizing a state guarantee of bonds of the Industrial Development Authority for pollution control purposes is before the House for consideration, and

*Whereas*, House Bill 619 finds that additional anti-pollution efforts by industry are necessary to advance the public interest in preserving the state's environment, but also finds that the cost of such efforts may adversely affect the state's economic base, and

*Whereas*, House Bill 619, states that its purpose is to facilitate increased anti-pollution efforts while minimizing the adverse economic effects thereof, and

*Whereas*, House Bill 619, (a) would provide for issuance of special Industrial Development Authority bonds to finance construction of industrial pollution control facilities to be constructed by the Industrial Development Authority for lease to industrial users; (b) would authorize the Governor and Coun-

cil to pledge the state's credit on such bonds if the Governor and Council make certain prescribed findings; and (c) would specify the criteria for the findings to be made by the Governor and Council in that regard, and

*Whereas*, a question has arisen as to the constitutionality of House Bill 619.

*Now therefore be it resolved* by the House of Representatives:

That the Justices of the Supreme Court are respectfully requested to give their opinion and answer to the following question:

Does the provision for the pledge of the state's credit, in view of the purposes and under the procedures and criteria set forth in the Bill, violate the constitutional requirement arising from Article 12 of Part First and Articles 5 and 6 of Part Second, or other sections of the Constitution of New Hampshire, that public funds shall not be devoted to private purposes?

*Be it further resolved*, that the Speaker of the House of Representatives transmit seven copies of this resolution to the Justices of the Supreme Court, along with copies of the Bill.

Rep. Drake spoke in favor of the resolution.

Adopted.

## COMMITTEE REPORTS

### HB 637

providing for the payment of interest on real estate tax payments made to banking institutions by mortgagors. Ought to pass with amendment. Rep. Gabriel for Banks and Insurance.

Requires payment of interest on tax escrow accounts, and eliminates mandatory tax escrow accounts.

## AMENDMENT

Amend the title of the bill by striking same and inserting in place thereof the following:

## AN ACT

eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Mandatory Tax Escrow Fund Eliminated. Amend RSA 387:4, I, (supp), as amended, by striking out in lines fourteen through seventeen the words "and which payments, so long as the balance of the loan exceeds seventy-five per cent of the value of the real estate by which it is secured, shall include a proportionate share of the amount necessary to pay the real estate and other taxes upon such property." so that said paragraph as amended shall read as follows:

I. REAL ESTATE IN NEW HAMPSHIRE AND CONTIGUOUS STATES. Those directly secured by first mortgage on real estate situated within this state or within any state contiguous to this state; but no such investment shall be in a loan which exceeds seventy-five per cent of the value of the real estate by which it is secured; except that investment may be in a loan which exceeds seventy-five per cent but not ninety per cent of the value of the real estate by which it is secured, provided that it shall be secured by a first mortgage on real estate containing one or more dwelling units for not more than four families each and which mortgage or mortgage note shall provide for payment of the note within a period of thirty years from the date when the first monthly payment shall become due, and the first monthly payment shall become due nine months from the date of the note or one month from the final disbursement of funds, whichever shall first occur. No loan or mortgage shall be made except upon written application showing the date, name of applicant, amount asked for and security offered, and except upon report of not less than two members of the board of trustees or board of directors, or two officers of the bank acting on behalf of the board of trustees or board of directors, who shall certify on said application, according to their best judgment, on the basis of an appraisal made by one of their members or by some officer of the bank, or some appraiser employed by the bank for the purpose of appraisal, the value of the premises to be mortgaged; and such application



shall be filed and preserved with the records of the corporation. The premises so mortgaged shall be revalued in the same manner at intervals of five years so long as they are mortgaged to the bank, provided that such revaluation may be omitted on any such fifth anniversary if on such date the ratio of the unpaid principal balance of the loan to the last prior appraised value of the premises is less than fifty per cent. If as a result of any such revaluation the amount of the loan is found to be in excess of the authorized percentage of the value of the premises mortgaged, a sufficient reduction in the amount of the loan shall be required, as promptly as may be practical, to bring the loan to within the authorized percentage. In determining whether any loan exceeds the authorized percentage of the value of the real estate, no consideration shall be given to (1) that portion of the obligation which is guaranteed by the administrator of veterans affairs under title III of the Servicemen's Readjustment Act of 1944, as amended from time to time, or (2) an obligation wholly guaranteed under such title, or (3) that portion of any loan or obligation which the small business administration has unconditionally agreed to purchase, or (4) that portion of a loan guaranteed by a private mortgage guaranty insurance company licensed to do business in the state of New Hampshire and approved by the bank commissioner or (5) that portion of a loan on industrial real estate guaranteed by the state of New Hampshire under RSA 162-A:14-a-c, or guaranteed by any state contiguous to New Hampshire under terms providing security equal to or greater than those of RSA 162-A:14-a-c. No banks shall be restricted to the above authorized percentages on a loan secured by property which the borrower is purchasing from the bank.

2 Interest on Escrow Accounts. Amend RSA 384 by inserting after section 16-b the following new section:

284:16-c Interest on Escrow Deposit Accounts. Any bank which requires or accepts monies for deposit in escrow accounts in connection with mortgages granted shall credit each such account in the same manner as they credit interest on their lowest class of savings deposits.

3 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Ordered to third reading.

**HB 667**

to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg. Ought to pass. Rep. Hunt for Fish and Game.

No opposition to bill at hearing or by the committee.

Ordered to third reading.

**HB 492**

to establish a state liquor store in Winchester and making an appropriation therefor. Ought to pass with amendment. Rep. Twigg for Liquor Laws.

Based on the favorable recommendation of the site survey sub-committee, who held a public hearing in Winchester and found satisfactory such factors as traffic flow, parking, police and fire protection. Committee voted unanimously in the affirmative.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Appropriation. The sum of eighty-two thousand dollars is appropriated for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

**HR 10**

regarding the paper manufacturing industry. Ought to pass. Rep. Milne for Resolutions and Screening.

Seems reasonable.

At the request of Rep. Theriault, Rep. Milne answered questions.

Ordered to third reading.

**HJR 15**

relative to fire and rescue services provided by the town of Allenstown at Bear Brook State Park. Ought to pass. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

The committee feels that the fire department in the town of Allenstown gave a service beyond the call of duty.

Ordered to third reading.

### HB 606

relative to abortion. Majority: Ought to pass with amendment; Rep. Daniell for Public Health and Welfare. Minority: Ought to pass with amendment. (Reps. Sweeney, Mary J. Sullivan, Elizabeth E. Goff, George E. Gordon, Metcalf and Beau-lieu)

Majority: It is the consensus of the majority supporting this bill that abortion must be controlled so far as possible within the limits of the recent Supreme Court decision.

Minority: The proposed bill in its present form does not consider the fact that the unborn child is a human being with a different genetic pattern than the mother therefore the right of the child to live should be considered. The proposed amendment would make an abortion permissible to preserve the life of a woman who is pregnant.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

relative to the control of abortion.

Amend RSA 630:5 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. "Medication" means any substance which is a manufactured drug and prescribed by a physician.

Further amend RSA 630:5 as inserted by section 1 of the bill by renumbering the original paragraphs, V through VIII to read VI VII VIII and IX.

Amend RSA 630:7, I, (b) as inserted by section 1 of the bill by striking out said subparagraph and inserting in place thereof the following:

(b) By a patient with the use of prescribed medication under the supervision of and with the advice of her physician.

Amend RSA 630:7, III as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

III. In the third stage of pregnancy, abortion is proscribed except when done by a physician, in a hospital, when necessary for the preservation of the life of the patient.

Rep. Pierce explained the position of the majority and spoke in favor of the majority report.

Rep. Elizabeth E. Goff moved that the report of the minority be substituted for the report of the majority, and spoke in favor of the motion.

(discussion)

Reps. Nelson and Brungot spoke in favor of the motion.

Reps. Zachos and Patrick spoke against the motion.

## RECESS

## AFTER RECESS

## SUSPENSION OF RULES

Rep. French moved that the rules of the House be so far suspended as to allow the granting of an extension not later than April 26 to the committee on Education on HB 730, providing for regional vocational education programs and making an appropriation therefor.

Adopted by the necessary two-thirds.

## ENROLLED BILLS REPORT

HB 414, to establish a procedure to repeal historic districts in cities and towns.

HB 449, relative to the establishment of reserve funds.

SB 122, relative to the date for filing applications for tax year 1973 for exemptions for the elderly.

Maurice W. Read  
*For The Committee*

## COMMITTEE REPORT ON HB 606 CONTINUED

Reps. Gordon, Barrus, Mary J. Sullivan and Metcalf spoke in favor of the motion.

Reps. David J. Bradley, Helen F. Wilson and Lint spoke against the motion.

(Rep. Russell C. Chase in the Chair)

Reps. Beaulieu and Gelinas spoke in favor of the motion.

Rep. Schwaner spoke against both the majority and minority reports.

(discussion)

Reps. Cecelia L. Winn, Boisvert, T. Anne Webster and Joseph L. Cote spoke in favor of the motion.

Reps. D'Allesandro, Erickson, Roger K. Warren, and Daniell spoke against the motion.

(Speaker in the Chair)

Rep. Currier spoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Hager requested a roll call.

Sufficiently seconded by Reps. Lint, David J. Bradley, Pierce, Chambers and Copenhaver.

## ROLL CALL

YEAS: 103      NAYS: 249

## YEAS

## MERRIMACK COUNTY:

Chandler, Boucher, Laurent J., Gamache, Gordon, George E., Thompson, Doris L., Harriman, Wilson, Ralph W.

## ROCKINGHAM COUNTY:

MacGregor, Read, Goff, Elizabeth E., Roy, Vesta M., Vey, Randall, Sanborn, Cassassa, Page, Sewall, Twardus, Maynard, Palfrey, McEachern, Joseph A., Connors, Woods, Keefe.



**STRAFFORD COUNTY:**

Joncas, Chasse, Peter N., Winkley, Sylvain, Donnelly, Kincaid, Richardson, Harriett W. B.

**SULLIVAN COUNTY:**

Barrus, Burrows, D'Amante, Lewko, Saggiotes.

**BELKNAP COUNTY:**

Lawton, Twigg, Sabbow, Maguire.

**CARROLL COUNTY:**

Webster, T. Anne.

**CHESHIRE COUNTY:**

Johnson, Elmer L., Whipple, Savage, Forcier, Yardley, Saunders.

**COOS COUNTY:**

Metcalf, Bushey, Valliere, Desilets, Pryor, Brungot, Lemire, George E., Gagnon, Theriault.

**GRAFTON COUNTY:**

Curran, Stevenson, Bradley, Richard L., Harrison, Krainak.

**HILLSBOROUGH COUNTY:**

Clougherty, Nelson, Carswell, Lyons, Bednar, Belcourt, Trombly, Winn, John T., Winn, Cecelia L., Charest, Desmarais, Lachance, Aubut, Boisvert, Mason, Wilcox, Coutermarsh, Lebel, Ainley, Ackerson, Bourassa, Montplaisir, Bruton, Cote, Joseph L., Barrett, William F., Healy, Daniel J., Clancy, Conway, Sullivan, Mary J., Beaulieu, Champagne, Gelinas, Taber, Healy, George T., MacDonald, Thibeault, P. Robert, Grady, Vachon, Lynch, Sweeney, Lambert, Lesmerises.

**NAYS****MERRIMACK COUNTY:**

Kidder, William F., Thompson, Arthur E., Bigelow, Parker, Harry C., Deoss, Hanson, Enright, Rice, Bartlett, Perkins, John B., Cushman, Kopperl, Mattice, Wiggin, Elmer S., Humphrey, James A., Burleigh, Fisher, Piper, Cate, Haller, Davis, Alice, McLane, Newell, Tarr, Underwood, Rich, Woodward, Hager, Noble.

**ROCKINGHAM COUNTY:**

King, Stimmell, Benton, Davis, Roy W., Wilson, Helen F.,

Boucher, William P., Kashulines, Skinner, Barka, Gay, Gorman, Senter, Belair, Campbell, DeCesare, Lemay, Margaret S., Sayer, Spollett, Webster, Clarence L., Cummings, Erler, Goodrich, Hoar, Schwaner, Simard, Tavitian, Rogers, Akerman, Cunningham, Parr, Smith, Tony, Brown, Benjamin A., Collishaw, Eastman, Junkins, Scamman, Simmons, Stevens, Elliot A., Ellis, Weeks, Greene, Lockhart, Griffin, Splaine, Cotton, Dame, Call, Hodgdon, McEachern, Paul.

**STRAFFORD COUNTY:**

Dawson, Canney, Harvey, Colby, Rowell, Beckett, Dudley, Plumer, Tirrell, Maloomian, Hebert, Meserve, Tanner, Tibbetts, Thomson, Barbara C., Preston, Tripp, Boisse, Leighton, Bernard, O'Connor, Roderick H., Parnagian, McManus, Pray.

**SULLIVAN COUNTY:**

Townsend, Sara M., Rousseau, Roy, Mary R., Buckley, Spaulding, Roma A., Brodeur, Scott, Frizzell, Olden, Wiggins, George I., Williamson.

**BELKNAP COUNTY:**

French, Matheson, Nighswander, Wuelper, Bowler, Roberts, Charles B., Roberts, George B., Hood, Hildreth, Pierce, Randlett, Murray, James W.

**CARROLL COUNTY:**

Howard, Donald K., Cox, Davis, Esther M., Duprey, Conley, Davis, Dorothy W., Chase, Russell C., Clafin, Allen.

**CHESHIRE COUNTY:**

Galloway, Johnson, Edward A., Stevens, Anthony, Slicer, Dunham, Hackler, Gordon, Anne B., Milbank, Turner, Helie, Wayne E., Raymond, Ames, Heald, Cleon E., Streeter, Close, Nims, Drew, Scranton.

**COOS COUNTY:**

Huggins, Patrick, Hunt, Drake, Burns, Kidder, Victor L., Oleson, Fortier.

**GRAFTON COUNTY:**

Gallen, Tilton, Chamberlin, Fimlaid, Clark, Jones, Anthony K., Mann, Ezra B., Anderson, Fayne E., Jones, Albert C., Warren, Roger K., Buckman, Bell, Webb, Bradley, David J., Chambers, Copenhagen, Nutt, Duhaime, Eaton, Myrl R., Hough, Merrill, Townsend, Madeline G.

## HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Cary, Mann, Arthur E., Murray, Fred E., Eaton, Clyde S., Heald, Philip C., Warren, E. George, Colburn, Thomson, Harold E., Fletcher, Knight, Messina, Perkins, Arnold B., Harvell, Van Loan, Bragdon, Spaulding, Kenneth W., Carter, Colburn, Ferguson, Langdell, Hall, Dwyer, Lint, Alukonis, Bergeron, Nutting, Polak, Smith, Leonard A., Currier, Richardson, John W., Seamans, McLaughlin, Rock, Parker, Gerry F., Zechel, Woodruff, Gabriel, Lefebvre, McGlynn, Migneault, Chasse, Romeo A., Ouellette, Erickson, Daniels, Milne, Zachos, Murphy, Horan, Nardi, Smith, Craig D., Spirou, Shea, Dupont, Gardner, O'Neil, Dortha M., Burke, O'Connor, Timothy K., D'Allesandro, Gillmore, Lamy, Levasseur, Martineau, Allard, Bernier.

Rep. Soule abstained under Rule 16.

## PAIRS

Rep. Thibeault voting yes; Rep. Estabrook voting no.

Rep. Peabody voting yes; Rep. Altman voting no.

Rep. McDonough voting yes; Rep. Ethier voting no.

Rep. Margaret S. Cote voting yes; Rep. Cobleigh voting no.

and the motion to substitute lost.

Rep. Daniel J. Healy wished to be recorded as in favor of the motion to substitute.

Rep. Hunt wished to be recorded in favor of the majority report.

Rep. Lynch wished to be recorded against abortion.

Rep. Brungot wished to be recorded against every motion in favor of abortion.

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The question being on the adoption of the majority amendment.

Rep. Zachos spoke in favor of the amendment.

Rep. T. Anne Webster requested a division.

204 members having voted in the affirmative and 132 in the negative, the majority amendment adopted.

Rep. Joseph L. Cote moved that HB 606 be indefinitely postponed.

Rep. Nelson requested a roll call.

Seconded by Reps. Bednar, Gelinas, Beaulieu, George E. Gordon and Joseph L. Cote.

#### ROLL CALL

YEAS: 146      NAYS: 205

#### YEAS

##### HILLSBOROUGH COUNTY:

Withington, Eaton, Clyde S., Clougherty, Fletcher, Nelson, Langdell, Carswell, Dwyer, Lyons, Bednar, Polak, Rock, Belcourt, Trombly, Winn, John T., Winn, Cecelia L., Charest, Desmarais, Lachance, Lefebvre, McGlynn, Migneault, Aubut, Boisvert, Chasse, Romeo A., Mason, Wilcox, Coutermarsh, Lebel, Ainley, Ackerson, Bourassa, Montplaisir, Murphy, Horan, Nardi, Bruton, Cote, Joseph L., Shea, Barrett, William F., Healy, Daniel J., Clancy, Conway, Sullivan, Mary J., Beaulieu, Champagne, Gelinas, Taber, Healy, George T., MacDonald, Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., Vachon, Sweeney, Lamy, Levasseur, Martineau, Lambert, Lesmerises.

##### MERRIMACK COUNTY:

Chandler, Boucher, Laurent J., Gamache, Gordon, George E., Bartlett, Perkins, John B., Thompson, Doris, L., Fisher, Harriman, Wilson, Ralph W.

##### ROCKINGHAM COUNTY:

Boucher, William P., Kashulines, Barka, Gay, MacGregor, Senter, Belair, DeCesare, Goff, Elizabeth E., Roy, Vesta, M., Sayer, Vey, Sanborn, Schwaner, Tavitian, Randall, Cassassa, Parr, Page, Sewall, Twardus, Maynard, Palfrey, McEachern, Joseph A., Connors, Woods, Keefe.

##### STRAFFORD COUNTY:

Rowell, Joncas, Chasse, Peter N., Winkley, Sylvain, Preston, Tripp, Bernard, Donnelly, Kincaid, Richardson, Harriett W. B.

**SULLIVAN COUNTY:**

Barrus, Rousseau, Roy, Mary R., Brodeur, Burrows, D'Amante, Lewko, Saggiotes.

**BELKNAP COUNTY:**

Lawton, Twigg, Sabbow, Maguire, Murray, James W.

**CARROLL COUNTY:**

Webster, T. Anne.

**CHESHIRE COUNTY:**

Johnson, Elmer L., Whipple, Savage, Forcier, Yardley, Saunders.

**COOS COUNTY:**

Metcalf, Bushey, Kidder, Victor L., Fortier, Valliere, Desilets, Pryor, Brungot, Lemire, George E., Gagnon, Theriault.

**GRAFTON COUNTY:**

Curran, Bradley, Richard L., Buckman, Harrison, Krainak, Duhaime.

**NAYS****HILLSBOROUGH COUNTY:**

Eaton, Joseph M., Humphrey, Howard S., Cary, Mann, Arthur E., Murray, Fred E., Heald, Philip C., Warren, E. George, Colburn, Thomson, Harold E., Knight, Messina, Perkins, Arnold B., Harvell, Van Loan, Bragdon, Spaulding, Kenneth W., Carter, Coburn, Ferguson, Hall, Lint, Alukonis, Bergeron, Nutting, Smith, Leonard A., Currier, Richardson, John W., Seamans, McLaughlin, Cobleigh, Parker, Gerry F., Zechel, Woodruff, Gabriel, Ouellette, Erickson, Daniels, Milne, Zachos, Smith, Craig D., Spirou, Dupont, Gardner, O'Neil, Dorteia M., D'Allesandro, Gillmore, Allard, Bernier.

**MERRIMACK COUNTY:**

Kidder, William F., Thompson, Arthur E., Bigelow, Parker, Harry C., Deoss, Hanson, Enright, Rice, Cushman, Kopperl, Mattice, Wiggin, Elmer S., Humphrey, James A., Daniell, Piper, Cate, Haller, Davis, Alice., McLane, Newell, Tarr, Underwood, Rich, Woodward, Hager, Noble.

**ROCKINGHAM COUNTY:**

King, Stimmell, Benton, Davis, Roy W., Wilson, Helen F., Skinner, Gorman, Read, Campbell, Lemay, Margaret S., Spol-



Ilett, Webster, Clarence L., Cummings, Erler, Goodrich, Hoar, Simard, Estabrook, Rogers, Akerman, Cunningham, Smith, Tony, Brown, Benjamin A., Collishaw, Eastman, Junkins, Scamman, Simmons, Stevens, Elliot A., Ellis, Weeks, Greene, Lockhart, Splaine, Cotton, Dame, Call, Hodgdon, McEachern, Paul.

**STRAFFORD COUNTY:**

Dawson, Canney, Harvey, Colby, Beckett, Dudley, Plumer, Tirrell, Maloomian, Hebert, Meserve, Tanner, Tibbetts, Thompson, Barbara C., Boisse, Leighton, O'Connor, Roderick H., Parnagian, McManus, Pray.

**SULLIVAN COUNTY:**

Townsend, Sara M., Buckley, Spaulding, Roma A., Scott, Frizzell, Olden, Wiggins, George I., Williamson.

**BELKNAP COUNTY:**

French, Matheson, Nighswander, Wuelper, Bowler, Roberts, Charles B., Roberts, George B., Hood, Hildreth, Pierce, Randlett.

**CARROLL COUNTY:**

Howard, Donald K., Cox, Davis, Esther M., Duprey, Conley, Davis, Dorothy W., Chase, Russell C., Claflin, Allen.

**CHESHIRE COUNTY:**

Galloway, Johnson, Edward A., Stevens, Anthony, Slicer, Dunham, Hackler, Gordon, Anne B., Milbank, Turner, Helie, Wayne E., Raymond, Ames, Heald, Cleon E., Streeter, Close, Nims, Drew, Scranton.

**COOS COUNTY:**

Huggins, Patrick, Drake, Burns, Oleson.

**GRAFTON COUNTY:**

Gallen, Tilton, Chamberlin, Stevenson, Fimlaid, Clark, Jones, Anthony K., Mann, Ezra B., Anderson, Fayne E., Jones, Albert C., Warren, Roger K., Bell, Webb, Bradley, David J., Chambers, Copenhagen, Nutt, Eaton, Myrl R., Hough, Merrill, Townsend, Madeline G.

Rep. Soule abstained under Rule 16.

and the motion lost.

The question being on ordering HB 606 to third reading.

Rep. Horan requested a roll call.

Sufficiently seconded by Reps. Lyons, Rock, Carswell, Lebel and Rowell.

### ROLL CALL

YEAS: 210 NAYS: 136

### YEAS

#### HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Cary, Mann, Arthur E., Murray, Fred E., Heald, Philip C., Warren, E. George, Colburn, Knight, Messina, Perkins, Arnold B., Harvell, Van Loan, Bragdon, Spaulding, Kenneth W., Carter, Coburn, Ferguson, Hall, Lint, Alukonis, Bergeron, Nutting, Polak, Smith, Leonard A., Currier, Richardson, John W., Seamans, McLaughlin, Cobleigh, Parker, Gerry F., Zechel, Woodruff, Gabriel, Ouellette, Erickson, Daniels, Milne, Zachos, Smith, Craig D., Spirou, Dupont, Gardner, O'Neil, Dorthea M., D'Allesandro, Gillmore, Bernier.

#### MERRIMACK COUNTY:

Kidder, William F., Thompson, Arthur E., Bigelow, Parker, Harry C., Deoss, Hanson, Enright, Rice, Bartlett, Cushman, Kopperl, Mattice, Wiggin, Elmer S., Humphrey, James A., Daniell, Piper, Cate, Haller, Davis, Alice, McLane, Newell, Tarr, Underwood, Rich, Woodward, Hager, Noble.

#### ROCKINGHAM COUNTY:

King, Stimmell, Benton, Davis, Roy W., Wilson, Helen F., Kashulines, Skinner, Gorman, Read, Campbell, Lemay, Margaret S., Spollett, Webster, Clarence L., Cummings, Erler, Goodrich, Hoar, Simard, Estabrook, Rogers, Akerman, Cunningham, Smith, Tony, Brown, Benjamin A., Collishaw, Eastman, Jenkins, Page, Scamman, Simmons, Stevens, Elliot A., Ellis, Weeks, Greene, Lockhart, Palfrey, Splaine, Cotton, Dame, Call, Hodgdon, McEachern, Paul.

#### STRAFFORD COUNTY:

Dawson, Canney, Harvey, Colby, Beckett, Dudley, Plumer, Tirrell, Maloomian, Hebert, Meserve, Tanner, Tibbetts, Thompson, Barbara C., Tripp, Boisse, Leighton, O'Connor, Roderick H., Parnagian, McManus, Pray.

#### SULLIVAN COUNTY:

Townsend, Sara M., Buckley, Spaulding, Roma A., Scott, Frizzell, Olden, Wiggins, George I., Williamson.

**BELKNAP COUNTY:**

French, Matheson, Nighswander, Wuelper, Bowler, Roberts, Charles B., Roberts, George B., Hood, Hildreth, Pierce, Randlett, Murray, James W.

**CARROLL COUNTY:**

Howard, Donalda K., Cox, Davis, Esther M., Duprey, Conley, Davis, Dorothy W., Chase, Russell C., Claflin, Allen.

**CHESHIRE COUNTY:**

Galloway, Johnson, Edward A., Stevens, Anthony, Slicer, Dunham, Hackler, Gordon, Anne B., Milbank, Helie, Wayne E., Raymond, Ames, Heald, Cleon E., Streeter, Close, Nims, Drew, Scranton.

**COOS COUNTY:**

Huggins, Patrick, Drake, Burns, Kidder, Victor L., Oleson.

**GRAFTON COUNTY:**

Gallen, Tilton, Chamberlin, Stevenson, Fimlaid, Clark, Jones, Anthony K., Mann, Ezra B., Anderson, Fayne E., Jones, Albert C., Warren, Roger K., Bell, Webb, Bradley, David J., Chambers, Copenhaver, Nutt, Eaton, Myrl R., Hough, Merrill, Townsend, Madeline G.

**NAYS****HILLSBOROUGH COUNTY:**

Eaton, Clyde S., Thomson, Harold E., Clougherty, Fletcher, Nelson, Langdell, Carswell, Dwyer, Lyons, Bednar, Rock, Belcourt, Trombly, Winn, John T., Winn, Cecelia L., Charest, Lachance, Lefebvre, McGlynn, Migneault, Aubut, Boisvert, Chasse, Romeo A., Mason, Wilcox, Coutermarsh, Lebel, Ainley, Ackerson, Bourassa, Montplaisir, Murphy, Horan, Nardi, Bruton, Cote, Joseph L., Shea, Barrett, William F., Healy, Daniel J., Clancy, Conway, Sullivan, Mary J., Beaulieu, Champagne, Gelinas, Taber, Healy, George T., MacDonald, Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., Vachon, Sweeney, Lamy, Levasseur, Martineau, Allard, Lambert, Lesmerises.

**MERRIMACK COUNTY:**

Chandler, Boucher, Laurent J., Gamache, Gordon, George E., Perkins, John B., Thompson, Doris L., Fisher, Harriman, Wilson, Ralph W.

## ROCKINGHAM COUNTY:

Boucher, William P., Barka, Gay, MacGregor, Senter, Belair, DeCesare, Goff, Elizabeth E., Roy, Vesta M., Sayer, Sununu, Vey, Sanborn, Schwaner, Tavitian, Randall, Casassa, Parr, Sewall, Twardus, Maynard, McEachern, Joseph A., Connors, Woods, Keefe.

## STRAFFORD COUNTY:

Rowell, Joncas, Chasse, Peter N., Winkley, Sylvain, Preston, Bernard, Donnelly, Kincaid, Richardson, Harriett W. B.

## SULLIVAN COUNTY:

Barrus, Rousseau, Roy, Mary R., Brodeur, Burrows, D'Amante, Lewko, Saggiotes.

## BELKNAP COUNTY:

Lawton, Twigg, Sabbow, Maguire.

## CARROLL COUNTY:

Webster, T. Anne.

## CHESHIRE COUNTY:

Johnson, Elmer L., Yardley, Saunders.

## COOS COUNTY:

Metcalf, Bushey, Fortier, Valliere, Desilets, Pryor, Brungot, Lemire, George E., Gagnon, Theriault.

## GRAFTON COUNTY:

Curran, Bradley, Richard L., Buckman, Harrison, Krainak, Duhaime.

Rep. Soule abstained under Rule 16.

and HB 606 was ordered to third reading.

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Rep. Russell C. Chase withdrew Notice of Reconsideration of the action the House took on HB 583, to authorize the pesticides surveillance scientists to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director; HB 398, prohibiting use of certain types of traps; HB 447, to define the terms "when accompanied" as used in the fish and game laws; HB 569, relative to the time of delivery of the county budget statement; HB 635, relative to temporary loans under the municipal finance act; HB 516, to restrict motorboats exceeding

fifty horsepower from operation upon Highland Lake; HB 565, requiring only motor vehicles accidents where damages are two hundred dollars or above to be reported; HB 496, providing an appropriation for old age assistance; and HJR 35, making an appropriation for increased monthly allowances for welfare recipients in nursing homes.

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Reps. George B. Roberts, Jr. and Coutermarsh moved that all remaining bills not acted upon in this calendar be made a Special Order for Tuesday next.

Adopted.

### SUSPENSION OF RULES

Rep. Daniels moved that the rules of the House be so far suspended as to allow the granting of an extension not later than April 26th to the committee on Public Works on HB 550, providing for capital improvements by providing for construction and operation of state liquor stores and gasoline stations adjacent to the eastern N.H. turnpike and making an appropriation therefor.

Adopted by the necessary two-thirds.

### SENATE MESSAGE

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

(Amendment printed SJ April 5)

Rep. Clafin moved that the House nonconcur and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Williamson, Boyd, Nelson, Oleson and Harriman.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of



bills be by title only and resolutions by caption only, and when the House adjourns, it adjourn in honor of Forrest Bucklin's eightieth birthday on Sunday, to meet Tuesday next at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HB 667, to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg.

HR 10, regarding the paper manufacturing industry.

HJR 15, relative to fire and rescue services provided by the town of Allenstown at Bear Brook State Park.

HB 637, eliminating required tax escrow funds on certain savings bank mortgage loans and providing for payment of interest on all escrow accounts.

HB 606, relative to the control of abortion.

### RECONSIDERATION

Rep. Zachos moved Reconsideration on HB 606, relative to the control of abortion.

Reconsideration lost.

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Consent Calendar Day Wednesday morning April 18; regular Calendar Wednesday afternoon.

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On motion of Rep. Coutermarsh, the House adjourned at 5:40 p.m.

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*Tuesday, 17Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

O Lord, our God, make us receptive and open, and may we accept Your kingdom like children taking bread from the hands of their father. Let us live in Your peace, at home with You all the days of our lives. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Scranton led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. G. Winthrop Brown and White, the week, illness.

Reps. Mattice and Erickson, the day, important business.

Rep. Patrick, three weeks, important business.

### RESOLUTION

Rep. Brungot offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 808 and 809, 811 through 818 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adoped.

### INTRODUCTION OF BILLS

First, second reading & referral

HB 808, abolishing settlement and creating districts for the administration of general assistance and veterans relief. (Roberts of Belknap Dist. 4; Frizzell of Sullivan Dist. 7; Thompson of Strafford Dist. 9; Spirou of Hillsborough Dist. 27; McManus of Strafford Dist. 17; Close of Cheshire Dist. 15 — To Judiciary.)

HB 809, relative to the expenses of education in public institutions. (Spaulding of Sullivan Dist. 4; Nardi of Hillsborough Dist. 27; Hager of Merrimack Dist. 21 — To Education.)

HB 811, making appropriations for capital improvements. (Mann of Hillsborough Dist. 3 — To Public Works.)

HB 812, relative to detective and security agencies. (McLaughlin of Hillsborough Dist. 16 — To Statutory Revision.)

HB 813, relative to increasing the commission on pari-mutuel pools. (Sununu of Rockingham Dist. 5 — To Ways and Means.)

HB 814, relative to sand eels. (Randall of Rockingham Dist. 11 — To Fish and Game.)

HB 815, relative to the requirements for resident tuition in the state university system. (Nelson of Hillsborough Dist. 9 — To Education.)

HB 816, to require all banks in New Hampshire to pay four per cent interest on monies held in escrow accounts. (Cote of Hillsborough Dist. 28 — To Banks and Insurance.)

HB 817, relative to reporting to the municipal conservation commissions of dredge and fill matters. (Colburn of Hillsborough Dist. 6 — To Resources, Recreation and Development.)

HB 818, relative to the administration of the revenue laws. (Nutt of Grafton Dist. 13; Roberts of Belknap Dist. 4 — To Executive Departments and Administration.)

## SENATE MESSAGE

### CONCURRENCE

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

HB 434, relative to referendum voting by absentee ballot in biennial elections.

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

## ENROLLED BILLS REPORT

HB 75, relative to fines for depositing litter in prohibited areas.

HB 111, to repeal peace bond on appeal from conviction for driving while intoxicated or under the influence of drugs.

HB 250, requiring that no more favorable loan terms be granted by banks to officers thereof than to others.

HB 397, relative to the permitted use of privies.

HJR 7, in favor of George T. Ellis of Concord.

Mabel L. Richardson

*For The Committee.*

### EXTENSIONS

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 387, relative to providing a uniform open deer season throughout the state.

Granted.

Rep. Merrill moved that the committee on Labor, Human Resources and Rehabilitation be granted a six-day extension on HB 469, relative to collective bargaining for State Employees and making an appropriation therefor.

Granted.

Rep. Merrill moved that the committee on Labor, Human Resources and Rehabilitation be granted a six-day extension on HB 453, providing full pay to state employees during a total disability resulting from a work-connected accidental injury not to exceed one year.

Granted.

Rep. Collishaw moved that the committee on Liquor Laws be granted a six-day extension on HB 281, relative to the sale of liquor at non-state owned ski areas.

Granted.

Rep. Harvell moved that the committee on Constitutional Revision be granted a six-day extension on HCR 12, to propose an amendment to the Constitution of the United States relative to an individual's right of life, liberty or property commencing at the moment of conception.

Granted.

Rep. Harvell moved that the committee on Constitutional Revision be granted a six-day extension on CACR 28, to be a State Senator one must be at least Twenty-five Years Old and a Resident of the State for Three Years Immediately prior to being Elected to Office.

Granted.

## SENATE MESSAGE

## INTRODUCTION OF SB's and SJR's

SB 27, relative to straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries. Statutory Revision.

SB 99, relative to the library development program. Education.

SB 56, revising the scenic roads act. Public Works.

SJR 5, providing a supplemental appropriation for the cancer commission. Appropriations.

SJR 7, providing a supplemental appropriation for the N. H. Historical Commission. Appropriations.

## VACATES

Rep. McLane moved that the House vacate the reference of HB 798, dealing with unemployment compensation to the committee on Executive Departments and Administration and rerefer said bill to the committee on Labor.

Adopted.

## COMMITTEE REPORTS

## HB 600

permitting the expenditure of the full amount of state 1973 appropriations for vocational rehabilitation even though estimated federal funds are not available. Inexpedient to legislate. Rep. Drake for Appropriations.

Withdrawn by Sponsor. Federal funds in question have now become available.

Resolution adopted.

## SB 79

appropriating certain funds held in escrow by the department of resources and economic development. Ought to pass. Rep. Drake for Appropriations.

This bill appropriates \$11,800 of federal funds held in escrow to the Department for updating the plans.

Ordered to third reading.



**HB 560**

relative to the investing of liquor commission receipts and other state funds. Ought to pass with amendment. Rep. Nims for Banks and Insurance.

Housekeeping bill that broadens the investment powers of state treasurer.

**AMENDMENT**

Amend the title of the bill by striking out the same and inserting in place thereof the following:

**AN ACT**

relative to the investing of state funds.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Allowable Investment of State Funds. Amend RSA 6:8, as amended, by striking out said section and inserting in place thereof the following new section:

6:8 Investment of Funds. All funds over which the state has exclusive control, aside from such sums of money as the treasurer may deem necessary to hold or deposit for meeting current expenses, shall be invested by the treasurer, with the approval of the governor and council, in obligations of the United States government, in obligations which are legal investments for savings banks and trust companies, in all types of savings accounts, in certificates of deposit of state or federally chartered banking institutions within New Hampshire, or in certificates of deposit of national banks within the commonwealth of Massachusetts.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

**HB 589**

relative to a permanent clam license for elderly citizens. Ought to pass with amendment. Rep. Maynard for Fish and Game.

This bill provides free licenses for persons over sixty-eight, the same as hunting and fishing licenses.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Permanent License. Amend RSA 211:62-aa (supp) as inserted by 1967, 3:1 by striking out in line four the word "seventy" and inserting in place thereof the following (sixty-eight) and by inserting in line four after the word "over" the following (Notwithstanding the provisions of RSA 211:62-a, a license issued to such resident shall be permanent and need not be renewed for each calendar year.) so that said section as amended shall read as follows:

211:62-aa Exception for Aged Persons. No fee shall be required for the issuance of a license under the provisions of section 62-a for taking clams, clam worms or oysters of a resident of the state who is sixty-eight years of age or over. Notwithstanding the provisions of RSA 211:62-a, a license issued to such resident shall be permanent and need not be renewed for each calendar year.

2 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Referred to Appropriations.

**HB 590**

providing that a portion of hunting license revenue shall be used for stocking wild rabbits, hares and game birds. Ought to pass with amendment. Rep. Maynard for Fish and Game.

This bill requires that the Director of Fish and Game spend at least seven percent of license fees for the stocking of small game.

## AMENDMENT

Amend the title of the bill by striking same and inserting in place thereof the following:

## AN ACT

providing that a portion of hunting license revenue shall be used for stocking hares and game birds.

Amend RSA 206:38-a as inserted by section 1 of the bill by striking same and inserting in place thereof the following:

206:38-a Hares and Game Birds. The director, under the supervision of the commission, shall annually expend for the purposes of propagation and restoration of hares and game birds a minimum of seven percent of the monies received by the department from the issuance of hunting licenses in the previous year.

Amendment adopted.

Referred to Appropriations.

### HB 352

relative to statewide school food and nutrition programs. Majority: Ought to pass with amendment. Rep. Messina for Education. Minority: Inexpedient to legislate. (Reps. T. Anne Webster, William P. Boucher, Finlaid, Horan and Rock.)

Majority: This bill provides that each school district will furnish a much needed meal for the children of their district. The bill allows the district five years (and thus the use of federal funds) to furnish these meal programs.

The Minority disagrees with the majority because they are opposed to mandating this legislation that could be a severe hardship on some towns and cities. There are many circumstances that do not warrant the creation of this law.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Schools; Food and Nutrition Programs. Amend RSA 189 by inserting after section 11 the following new section:

189:11-a Food and Nutrition Programs.

I. Each school board shall make a meal available during school hours to every pupil under its jurisdiction. Such meals shall be without cost or at a reduced cost to any needy child who is unable to pay the full cost of said meals. The state board of education shall insure compliance with this section and shall establish minimum nutritional standards for such meals and shall further establish income guidelines setting forth the minimum family size annual income levels to be used in determining eligibility for free and reduced price meals. Nothing in this section shall prohibit the operation of both a breakfast and

lunch program in the same school. Further any requirement of this section which conflicts with any federal statute or regulation may be waived by the state board of education.

II. Notwithstanding the provisions of paragraph I, the requirements thereof may be waived as hereinafter provided.

(a) The school board of any school which has not made meals available during the 1972-1973 school year may make application for a waiver to the state board on or before September 30, 1973.

(b) Requests for such waiver shall be granted by the state board upon the receipt of such application and shall remain in force until the state board determines otherwise, as hereinafter provided, but no such waiver shall continue beyond September 30, 1979.

(c) The state board is authorized and directed to study the schools which have been granted a waiver and to formulate a plan to implement the requirements of this section in such schools.

(d) The state board shall, after formulating such a plan, notify the school board granted such a waiver of the date when said waiver will terminate.

(e) After the termination of any waiver, such school board shall comply with the requirements of this paragraph I.

(f) The state board may also grant a waiver to any school which is being phased out of use provided such waiver may not exceed the period of one school year.

III. The state board shall prepare and distribute a curriculum for nutrition education and such curriculum shall be integrated into the regular courses of instruction for kindergarten and grades one through twelve during the school year.

IV. Each school board shall maintain yearly statistics on the age, height, weight and grade of each student.

Rep. T. Anne Webster moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Reps. D'Allesandro, Cecelia L. Winn, Coutermarsh, Lyons, Albert C. Jones and Spirou spoke against the motion.

(discussion)

Reps. Lawton, William P. Boucher, Rock and Fimlaid spoke in favor of the motion.

Rep. George B. Roberts, Jr. spoke against the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the negative, the motion lost.

Amendment adopted.

Ordered to third reading.

## RECESS

## AFTER RECESS

## COMMITTEE REPORTS CONTINUED

### HB 628

relative to the use of illegal inspection stickers. Ought to pass with amendment. Rep. Hamel for Transportation.

Makes it a crime to use a counterfeit inspection sticker. Not covered by law at present. Amendment changes "his auto" to "any motor vehicle" in section II of this bill.

## AMENDMENT

Amend RSA 260:16-b, II., as inserted by section 1 of the bill, by striking out said paragraph and inserting in place thereof the following:

II. Any person who displays a facsimile of an official inspection sticker upon any motor vehicle, or who displays an official sticker and knows or should have known that the inspection sticker was improperly issued shall, on or after November 1, 1973, be guilty of a violation. Prior to November 1, 1973 any person violating this paragraph shall be fined not less



than fifty dollars nor more than one hundred dollars for the first offense and not less than one hundred dollars for the second offense.

Amendment adopted.

Ordered to third reading.

**HB 379**

relative to limited hardship licenses to operate a motor vehicle. In new draft with the recommendation that the report be adopted and the bill be recommitted. Rep. Hamel for Transportation.

This bill has been completely redrafted and should be given another hearing.

Recommitted to Committee on Transportation.

**HB 552**

relative to the operation of power boats on Sunset Lake (Places Pond) in Alton. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Committee feels this matter would be more equitably dealt with by following the procedure of petition to the Division of Safety Services for a public hearing and regulations resulting therefrom.

Resolution adopted.

Rep. George B. Roberts, Jr. wished to be recorded as voting against the committee report.

**HB 476**

relative to registration of professional bondsmen. Inexpedient to legislate. Rep. Daniel J. Healy for Judiciary.

To make rules uniform throughout state, provides \$100 registration fee for state instead of for each county; to make fidelity, guaranty and surety companies subject to the rules for professional bondsmen.

Rep. Tony Smith moved that HB 476 be recommitted to the Committee on Judiciary and spoke in favor of the motion.

Rep. Underwood spoke in favor of the motion.

Recommitted to Committee on Judiciary.

**HB 309**

relative to the confidentiality of business profits tax records. Majority: Ought to pass with amendment; Reps. Splaine and Underwood for Judiciary and Ways and Means. Minority of Ways and Means Inexpedient to legislate. (Reps. Chandler, Donnelly, Tripp, Twardus, Clancy and Elmer L. Johnson.)

Majority: Strikes from the present law "in confidence to the governor and council or their agent in the exercise of their general supervisory powers" and substitutes for "other legal representative of the state" the words "his (attorney general's) authorized representative."

Minority believes present law which permits Governor and Council examination of records is correct and should be retained.

**AMENDMENT**

Amend RSA 77-A:16, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. Disclosure in confidence to any person authorized to audit the accounts of the commission in pursuance of such audit, or to the attorney general or his authorized representative in connection with an action or proceeding under this chapter.

Rep. Sayer moved that HB 309 be referred to the Judicial Council and to report back by January 1, 1975 and spoke in favor of the motion.

(discussion)

Reps. Underwood, Zachos, Belair, Close, Coutermarsh, Harvell and George B. Roberts, Jr. spoke against the motion.

Reps. Chandler, Lawton, George E. Gordon, Twardus, Keefe, Merrill, Gorman and Joseph L. Cote spoke in favor of the motion.

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

116 members having voted in the affirmative and 184 in the negative, the motion lost.

Rep. Chandler moved that the minority report, inexpedient to legislate, be substituted for the majority report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. Underwood, Splaine, Sayer, Zachos, Nutt, Belair, Currier, Rock and George B. Roberts, Jr. spoke against the motion.

Reps. Lawton, Daniell, Richard L. Bradley, Beaulieu, George E. Gordon and Coutermarsh spoke in favor of the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Rep. George E. Gordon requested a roll call.

Seconded by Reps. Lawton, Metcalf, Boisse, Migneault, Marsh and Twardus.

### ROLL CALL

Yeas: 158 Nays: 192

### YEAS

#### MERRIMACK COUNTY:

Chandler, Deoss, Boucher, Laurent J., Enright, Rice, Gordon, George E., Bartlett, Kopperl, Thompson, Doris L., Humphrey, James A., Daniell, Fisher, Tarr, Harriman.

#### ROCKINGHAM COUNTY:

King, Davis, Roy W., Wilson, Helen F., Boucher, William P., Soule, Thibeault, George J., Barka, Gorman, MacGregor, Read, Senter, DeCesare, Goff, Elizabeth E., Tuttle, Vey, Erler, Hoar, Schwaner, Randall, Parr, Sewall, Twardus, Simmons, Stevens, Elliot A., Ellis, Hammond, Maynard, Palfrey, Dame, McEachern, Joseph A. Connors, Woods.

#### STRAFFORD COUNTY:

Dawson, Canney, Tirrell, Joncas, Bouchard, Chasse, Peter N., Tibbetts, Ineson, Winkley, LaRoche, Preston, Tripp, Boisse,

Bernard, Donnelly, Kincaid, Parnagian, Richardson, Harriett W. B., Peabody, Pray.

SULLIVAN COUNTY:

Barrus, Rousseau, Roy, Mary R., Brodeur, Burrows, D'Amante, Saggiotes.

BELKNAP COUNTY:

Lawton, Marsh, Twigg, Randlett, Maguire, Murray, James W.

CARROLL COUNTY:

Howard, Donald K., Cox, Conley, Davis, Dorothy W.

CHESHIRE COUNTY:

Slicer, Whipple, Savage, Forcier, Turner, Ames, Saunders, Streeter, Nims.

COOS COUNTY:

Huggins, Metcalf, Bushey, Richardson, Mabel L., Kidder, Victor L., Valliere, Desilets, Pryor, Brungot, Gagnon.

GRAFTON COUNTY:

Curran, Fimlaid, Bradley, Richard L., Clark, Jones, Anthony K., Anderson, Fayne E., Buckman, Harrison, Krainak, Duhaime, Eaton, Myrl R., Merrill.

HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Karnis, Eaton, Clyde S., Thomson, Harold E., Perkins, Arnold B., Nelson, Bragdon, Coburn, Carswell, Dwyer, Geiger, Lyons, Polak, McLaughlin, Aubut, Ackerson, Murphy, Horan, Bruton, Cote, Joseph L., Barrett, William F., McDonough, Clancy, Conway, Sullivan, Mary J., Champagne, Taber, Healy, George T., MacDonald, Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., Vachon, D'Allesandro, Lynch, Sweeney, Martineau, Allard, Bernier, Lambert, Lesmerises.

NAYS

MERRIMACK COUNTY:

Thompson, Arthur E., Sherman, Bigelow, Parker, Harry C., Hanson, Perkins, John B., Cushman, Wiggin, Elmer S., Piper, Cate, Haller, Andersen, Chris K., Davis, Alice, McLane, Newell, Underwood, Rich, Wilson, Ralph W., Howard, C. Edwin, Woodward, Hager, Noble.

## ROCKINGHAM COUNTY:

Stimmell, Benton, Kashulines, Skinner, Belair, Campbell, Roy, Vesta M., Sayer, Spollett, Webster, Clarence L., Cummings, Goodrich, Sanborn, Simard, Rogers, Hamel, Akerman, Casassa, Cunningham, Smith, Tony, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Greene, Lockhart, Griffin, Splaine, Cotton, Hodgdon.

## STRAFFORD COUNTY:

Harvey, Colby, Rowell, Beckett, Dudley, Plumer, Maloomian, Hebert, Meserve, Tanner, Thompson, Barbara C., Ruel, Sylvain, Leighton, O'Connor, Roderick H., McManus.

## SULLIVAN COUNTY:

Townsend, Sara M., Spaulding, Roma A., Tucker, Lewko, Scott, Frizzell, Olden, Wiggins, George I., Williamson.

## BELKNAP COUNTY:

French, Matheson, Nighswander, Wuelper, Bowler, Roberts, Charles B., Roberts, George B., Huot, Hildreth, Pierce, Sabbow.

## CARROLL COUNTY:

Duprey, Claflin, Allen.

## CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Stevens, Anthony, Ladd, Dunham, Hackler, McGinness, Gordon, Anne B., Yardley, Milbank, Raymond, Heald, Cleon E., Close, Drew, Scranton.

## COOS COUNTY:

Hunt, Drake, Burns, Oleson, Fortier, Lemire, George E., Theriault.

## GRAFTON COUNTY:

Gallen, Tilton, Chamberlin, Mann, Ezra B., Jones, Albert C., Gemmill, Bell, Webb, Bradley, David J., Chambers, Copenhagen, Nutt, Hough, Townsend, Madeline G.

## HILLSBOROUGH COUNTY:

Cary, Mann, Arthur F., Murray, Fred E., Heald, Philip C., Warren, E. George, Colburn, Clougherty, Fletcher, Knight, Messina, Harvell, Van Loan, Spaulding, Kenneth W., Ferguson, Boyd, Hall, Lint, Bednar, Bergeron, Nutting, Smith, Leonard A., Currier, Richardson, John W., Seamans, Ethier, Rock, Parker, Gerry F., Record, Zechel, Trombly, Woodruff, Cote, Mar-



garet S., Winn, John T., Winn, Cecelia L., Charest, Desmarais, Lachance, Gabriel, Lefebvre, McGlynn, Migneault, Boisvert, Chasse, Romeo A., Mason, Ouellette, Sullivan, David T., Wilcox, Coutermarsh, Lebel, Daniels, Milne, Zachos, Montplaisir, Nardi, Smith, Craig D., Spirou, Shea, Dupont, Healy, Daniel J., Gardner, Gelinas, O'Neil, Dortha M., Gillmore, Lamy.

and the motion lost.

Question being on the adoption of the committee amendment.

Amendment adopted.

Rep. Nelson offered Floor amendment No. 1.

The clerk read the amendment in full.

Rep. Nelson spoke in favor of his amendment.

Rep. McManus spoke against the amendment.

(discussion)

Reps. Gerry F. Parker, Spirou, Zachos and Coutermarsh spoke against the amendment.

Amendment lost.

Rep. Nelson offered Floor amendment No. 2.

Rep. Nelson read his amendment in full, and subsequently withdrew his amendment.

Ordered to third reading.

### SUSPENSION OF RULES

Reps. Zachos and Coutermarsh moved that the rules of the House be so far suspended as to place HB 309 on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 309, relative to the confidentiality of business profits tax records.

### RECONSIDERATION

Rep. Zachos moved reconsideration on HB 309.

Reconsideration lost.

Rep. Sununu wished to be recorded in favor of the committee report on HB 309.

Rep. T. Anne Webster wished to be recorded in favor of the minority report on HB 309.

#### **HB 482**

relative to town zoning regulations. Refer to Committee on Municipal and County Government for interim study, and reporting its findings and recommendations not later than February 28, 1974. Rep. Benton for Municipal and County Government.

This legislation has a number of worthwhile aspects; the Committee is convinced that much more will be gained from this legislation by a thorough scrutiny by the Committee on Municipal and County Government in interim study, than by attempting to extract certain sections of the bill for piecemeal legislation at this time.

Rep. Hall moved that HB 482 be referred to a joint study committee composed of three members of the House appointed by the Speaker, two members appointed by the President of the Senate, to report no later than December 1, 1973, and spoke in favor of the motion.

Rep. William P. Boucher spoke in favor of the motion.

Rep. Benton spoke against the motion.

(discussion)

Rep. Harvell spoke in favor of the motion.

Rep. Hanson spoke against the motion.

Rep. Hall requested a division and subsequently withdrew her request.

Committee reported adopted.

(Deputy Speaker in the Chair)

#### **HB 568**

relative to approval of zoning amendments disapproved by planning boards or zoning commissions. Inexpedient to legislate. Rep. Bednar for Municipal and County Government.

1. RSA 31:64 pertains to protests by abutting landowners

to proposed changes to zoning ordinances, whether proposed by petition, or by the Planning Board or Zoning Commission.

2. RSA 31:64 prescribes that amendments passed over the protest of abutters shall be by two-thirds of the legislative body present and voting.

3. RSA 31:63-b "amendments to zoning ordinance by petition," require only a majority vote, regardless of the written disapproval on the ballot by the Planning Board or the Zoning Commission.

4. The Committee does not feel it appropriate to consider the disapproval by the Planning Board or Zoning Commission in 31:64, especially when such disapproval would then require a favorable vote of two-thirds of the legislative body present and voting, as compared with a simple majority to pass an amendment over the disapproval of the Planning Board or Zoning Commission in 31:63-b.

Rep. Harvell moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Bednar spoke against the motion.

(discussion)

Rep. Sununu spoke against the motion.

Motion lost.

Resolution adopted.

## **HB 578**

relative to the duties of the division of welfare pertaining to child welfare. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Recommended on the basis that this clarifies the law relative to the duties of the division of welfare in regard to child welfare.

Rep. George E. Gordon moved that HB 578 be laid on the table.

Rep. Boisvert requested a division and subsequently withdrew his request.

A division was requested.

109 members having voted in the affirmative and 143 in the negative, the motion lost.

Rep. Gordon moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

(discussion)

Rep. Albert C. Jones moved that HB 578 be committed to the committee on Public Health and Welfare.

Rep. Gordon withdrew his motion to substitute and spoke in favor of Rep. Jones' motion.

Rep. Fred E. Murray spoke against the motion.

(discussion)

Rep. Conley explained the committee report.

Reps. Lambert and Dupont moved the previous question. Sufficiently seconded.

Adopted.

HB 578 committed to Committee on Public Health and Welfare.

### **HB 579**

relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

This would remove several objectionable words and phrases from the RSA without changing the laws.

Ordered to third reading.

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Reps. George B. Roberts, Jr. and Bednar moved that the balance of the calendar be made a Special Order for tomorrow afternoon.

Adopted.

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Rep. George B. Roberts, Jr. moved that we now adjourn

from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only, and when House adjourns it adjourn to meet tomorrow at 11:00 a.m. for a Consent Calendar and 1:00 p.m. for a Regular Calendar.

### LATE SESSION

#### Third reading and final passage

SB 79, appropriating certain funds held in escrow by the department of resources and economic development.

HB 628, relative to the use of illegal inspection stickers.

HB 560, relative to the investing of state funds.

HB 352, relative to statewide school food and nutrition programs.

HB 579, relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents.

### RECONSIDERATION

Rep. D'Allesandro moved Reconsideration of HB 352, relative to statewide school food and nutrition programs.

Reconsideration lost.

### NOTICE OF RECONSIDERATION

Rep. Conley served notice that today or some subsequent day he will ask reconsideration of the House action in referring to the Committee on Public Health and Welfare HB 578, relative to the duties of the division of welfare pertaining to child welfare.

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On motion of Rep. Merrill, the House adjourned at 5:47 p.m. in honor of Rep. Bushey's 84th birthday.



*Wednesday, 18Apr73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Father O'Connor.

**O Lord, our God,** give us signs that You lead us onward, as you did Your people of old, that we may stand firm when we would turn back, and continue to press forward when we would stand still. We ask You this in the name of Jesus Christ. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Harry C. Parker led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Cobleigh, the day, illness.

Rep. Alukonis, today and tomorrow, illness in family.

Reps. Harrison, Noble, Woodruff and John H. Perkins, the day, important business.

Rep. David T. Sullivan, today and tomorrow, important business.

Rep. Stevenson, today, tomorrow and next week, important business.

## RESOLUTION

Rep. Joseph M. Eaton offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 819 through 823 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 819, relative to tires as defective equipment on motor vehicles. (D'Amante of Sullivan Dist. 5 — To Transportation.)

HB 820, relative to limitations on the investment authority of building and loan associations, cooperative banks and savings and loan associations (Burleigh of Merrimack Dist. 12 — To Banks and Insurance.)

HB 821, providing that no contact shall be made with the state or its political subdivisions until money has been appropriated therefor. (Maynard of Rockingham Dist. 18 — To Municipal and County Government.)

HB 822, relative to the practice of law by district court justices. (Goff of Merrimack Dist. 7 — To Judiciary.)

HB 823, relative to transportation of pupils to schools. (Belair of Rockingham Dist. 5; Lockhart of Rockingham Dist. 17; Cote of Hillsborough Dist. 19 — To Education.)

## SENATE MESSAGES

### CONCURRENCE

HB 195, relative to semi-annual collection of taxes in cities and towns.

HB 338, authorizing cities and towns to make payment of relocation assistance.

HJR 14, relative to a supplemental appropriation for the board of nursing education and nurse registration.

HB 383, relative to filing a report of catch of fur-bearing animals.

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire.

HB 356, relative to abandoning animals.

HCR 10, commending the President, Richard M. Nixon for his successful effort in bringing the Vietnam war to an end.

### NONCONCURRENCE

HB 343, relative to the disposal of dog license fees.

HB 345, relative to licensing and restraining dogs.

### ACCEDED REQUEST FOR COMMITTEE OF CONFERENCE

HB 43, relative to controlling use of heating or agitating devices in the waters of this state.

The President appointed Sens. Brown, Sanborn, Preston and Gardner.

### COMMITTEE REPORTS

#### HB 663

relative to reporting all unfavorable credit or personnel information on consumer to the consumer. Inexpedient to legislate. Rep. Dupont for Banks and Insurance.

Covered by legislation previously passed (HB 395).

Resolution adopted.

#### HB 732

requiring teachers to display the certificate of qualification. Inexpedient to legislate. Rep. T. Anne Webster for Education.

It was the unanimous decision of all committee members voting and present that this was poorly designed and unnecessary legislation.

Resolution adopted.

#### HB 612

imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer. Ought to pass with amendment. Rep. Greene for Environment and Agriculture.

Updates fertilizer law, encourages use of custom mixes specified by consumer; provides for maximum registration fee and tonnage inspection fee. Amendment sets effective date as January 1, 1974 to allow time for implementation.

### AMENDMENT

Amend section 6 of the bill by striking out the same and inserting in place thereof the following:

6 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Referred to Appropriations.

#### HB 562

relative to redemption of real estate at tax sales. Inexpedient to legislate. Rep. Theriault for Judiciary.

No need — sufficient remedies now.

Resolution adopted.

**HB 576**

relative to guardianship statutes. Ought to pass. Rep. Nighswander for Judiciary.

Removes obsolete provisions pertaining to guardianship; cause for divorce, residency, property, from consideration in awarding guardianship.

Ordered to third reading.

**SB 48**

relating to times and places of holding regular terms of probate court in Cheshire county. Ought to pass. Rep. Close for Judiciary.

Moves the day from Friday to Tuesday.

Ordered to third reading.

**SB 58**

clarifying certain definitions under the charitable trust statutes. Ought to pass. Rep. Close for Judiciary.

Defines "charitable trust" and "trustee".

Ordered to third reading.

**HB 707**

providing that the flag of the United States shall be displayed and flown at polling places. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

While it is common practice to display the flag of the United States within the polling place on election day, it was strongly felt that the flag should also be flown outside the polling place, weather conditions permitting, on election day.

**AMENDMENT**

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Flag of the United States. Amend RSA 59:37, as amended, by inserting in line seven after the words "does so" the following (The selectmen of each town and ward shall be charged with the responsibility to see that the flag of the United States is displayed inside and, weather conditions permitting, flown outside the polling place on election day.) so that said section as amended shall read as follows:

59:37 Arrangement of Polling Places. The selectmen of each town and ward shall provide suitable places in which to hold all elections provided for in this chapter, and shall see that the same are warmed, lighted, and furnished with proper supplies and conveniences, including a sufficient number of booths, shelves, and soft black lead pencils, to enable the voter to prepare his ballot for voting, screened from all observation as to the manner in which he does so. The selectmen of each town and ward shall be charged with the responsibility to see that the flag of the United States is displayed inside and, weather conditions permitting, flown outside the polling place on election day. A guard-rail shall be so constructed and placed that only such persons as are inside such rail can approach within six feet of the ballot box and of the voting booths. The arrangements shall be such that the voting booths can be reached only by passing within the guard-rail. They shall be in plain view of the election officers, and both they and the ballot boxes shall be in plain view of those outside the guard-rail. Each of said booths shall have three sides enclosed, one side in front to open and shut by a door swinging outward, or to be enclosed with a curtain. Each side of the booths shall be not less than six feet high. The booth shall be between twenty-eight and thirty-six inches wide, between twenty-eight and thirty-six inches deep, and the door or curtain shall extend to within two feet of the floor, and shall be closed while the voter is preparing his ballot. Each booth shall be well lighted, and shall contain a shelf between twelve and fifteen inches wide running the width of the booth, at a convenient height for writing. The number of such voting booths shall not be less than one to every one hundred and twenty-five voters, or fraction thereof, qualified to vote at such polling place, and there shall not in any case be less than two of these voting booths at any polling place.

Amendment adopted.

Ordered to third reading.

## HB 724

relative to reporting new owners of mobile homes. Ought to pass. Rep. Madeline G. Townsend for Municipal and County Government.

Makes mandatory that owners of trailers and mobile homes,



either moved into, or changing hands within a municipality, report such fact to the selectmen/assessors within fifteen days of such event, in order that municipalities be kept up to date on such changes or new trailers within the community.

Ordered to third reading.

**HB 735**

to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance. Ought to pass. Rep Cox for Municipal and County Government.

Existing statutes permit only cities and towns to enact zoning ordinances; special authorization is required for a precinct to enact a zoning ordinance.

Ordered to third reading.

**HB 746**

relative to the date of annual town meetings. Ought to pass. Rep. Savage for Municipal and County Government.

Returns "town meeting" to the second Tuesday in March, as it was prior to 1973; only in the year of a Presidential primary would town meeting be held on the first Tuesday in March. The change would allow Budget Committees, Selectmen and other town officials a much needed additional week for processing of budgets, distribution of town reports, etc.

Ordered to third reading.

**HB 467**

denying benefits to persons receiving aid to families with dependent children who have more than one automobile, or one television, or one telephone. Inexpedient to legislate. Rep. Goodrich for Public Health and Welfare.

Because of federal regulations would not allow this kind of legislation.

Resolution adopted.

**HB 595**

prohibiting the use of welfare funds for other than basic essential items. Inexpedient to legislate. Rep. Copenhagen for Public Health and Welfare.

This bill would be difficult to administer and an unwise limitation of the authority of people administering welfare.

Resolution adopted.

**HB 474**

increasing the mileage allowance for sheriffs and deputies in Rockingham county. Ought to pass. Rep. Soule for Rockingham County Delegation.

To raise mileage allowance to sheriff's department in Rockingham county, said fees going to Rockingham county general fund.

Ordered to third reading.

**HB 404**

providing that persons eighteen years of age are subject to payment of resident tax. Inexpedient to legislate. Rep. Splaine for Ways and Means.

Provides that persons eighteen years of age are subject to payment of resident tax. The change this bill achieves was accomplished when Governor Thomson signed the age of majority bill.

Resolution adopted.

**SB 33**

relative to payment of court fees for breath tests of blood alcohol content. Ought to pass. Rep. Nutting for Judiciary.

To add breath tests of blood alcohol content to the provisions for paying for blood testing.

Ordered to third reading.

RECESS

AFTER RECESS

VACATE

Rep. Nutt moved that the House vacate the reference of HB 799, abolishing the Lebanon Regional Airport Authority; and returning all holdings to the city of Lebanon and permitting Lebanon to establish a city airport authority, to the com-

mittee of the Lebanon delegation and re-refer said bill to the committee on Transportation.

Adopted.

### SENATE MESSAGE

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the State, and to provide construction standards for certain public buildings.

(Amendment printed SJ April 17)

Rep. Bigelow moved the House concur with the Senate amendment.

Adopted.

### EXTENSIONS

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 580, relative to jury trials of minor offenses.

Granted.

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 540, providing for a return of certain fines from district court to cities and towns.

Granted.

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor.

Granted.

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 548, providing the day care advisory committee to provide for representation by users of day care facilities.

Granted.

### COMMITTEE REPORTS CONTINUED

#### HB 336

providing for the calling of a constitutional convention. Ought to pass. Rep. Joncas for Constitutional Revision.

This bill provides for the calling of a Constitutional Convention as prescribed in the constitution following the favorable voter referendum of last November.

Rep. Harvell offered an amendment.

#### AMENDMENT

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Constitutional Election. At the election in the several towns to be holden on the regular annual town meeting day in 1974, and at a special election to be holden on the same day, in the several cities and towns in which election day is other than said day, delegates to a convention to revise the constitution shall be chosen and an article therefor shall be inserted in the warrants calling said meetings and all the laws relating to the election of representatives to the general court so far as the same may be applicable, shall apply to the election of delegates except as otherwise provided in RSA 68-A.

The clerk read the amendment in full.

Rep. Harvell spoke in favor of the amendment.

Harvell amendment adopted.

Referred to Appropriations.

#### HB 376

providing for a commission to study the state constitution in preparation for the 1974 constitutional convention. Ought to pass. Rep. Joncas for Constitutional Revision.

This bill provides for a commission to study the constitution in preparation for the coming Constitutional Convention thereby reducing the time necessary for the Convention to be in session.

Referred to Appropriations.

#### CACR 22

relating to establishing a four-year term for Governor. Providing that the Governor shall be elected every four years on the non-presidential election years, and no person shall serve

more than two terms consecutively. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

Committee did not feel this matter should be put on the ballot at this time.

Resolution adopted.

#### **HB 614**

relative to a mandatory deferred tuition plan for state colleges. Inexpedient to legislate. Rep. Rock for Education.

It was the unanimous decision of all members voting and present (twenty members) that this was poorly designed legislation that would be difficult if not impossible to regulate and would be discriminatory to students who attend our land grant colleges and university.

Resolution adopted.

#### **SJR 1**

establishing a committee to study the effect on the state government resulting from population growth, including the present and potential consequences relative to pollution of land, water, and air; the economic, social and educational problems associated with this growth; and making an appropriation therefor. Ought to pass with amendment. Rep. Colburn for Environment and Agriculture.

The amendment adds a member appointed by the Governor to the commission and provides legislative mileage to members. The resolution was strongly supported by the environmental coalition and the committee unanimously voted ought to pass.

#### **AMENDMENT**

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That there shall be a legislative population commission established which shall consist of nine members, five from the House to be selected by the Speaker of the House, three from the Senate to be selected by the President of the Senate, and one to be appointed from the general public by the Governor.

The commission shall be enabled to receive federal grants, and all other such grants, gifts, bequests, and the like as shall be



made available for the purposes of this resolution. Commission members shall receive mileage payments for trips on commission business at the legislative mileage rate, pursuant to RSA 14:15-a. The office of state planning is hereby directed to provide such staff assistance as is required to fulfill the duties of the legislative population commission. Costs incurred by the office of state planning shall be charged to its appropriation. All state agencies shall provide all available data and documents to the commission. The commission shall select a chairman, vice-chairman and clerk from among its members.

That the commission shall undertake the following:

I. Review and correlate studies and reports already available, relating to population growth in New Hampshire and publish a critical bibliography of such studies and reports, together with recommendations for additional research in the field as may seem desirable.

II. Prepare and publish a study which delineates the impact of present and projected population growth on the natural and man-made resources of New Hampshire, and examines the economic, social, educational, agricultural, transportation, energy and environmental problems associated with such growth.

III. Recommend specific legislation to deal with the present and potential economic, social, and environmental impact of population growth and distribution in the state. There shall be at least three public hearings during the course of the study. The report and the recommendations shall be submitted to the president of the senate and speaker of the house by June, 1974.

That there is hereby appropriated for the purpose of this resolution fifteen hundred dollars. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

#### HB 433

increasing the state's payment of group hospital and medical insurance for state employees and to provide ordinary death benefits for certain group I members of the New Hampshire

retirement system. Ought to pass with amendment. Rep. Noble for Executive Departments and Administration.

The committee unanimously supported this bill. The amendments give state employees and retirees full insurance benefits (the original bill submitted for SEA asked for benefits for employees and their families) and allows them to designate the person, if other than the widow, receiving the death benefits.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Increase of State's Payment for Group Hospital and Medical Insurance. Amend RSA 101-A:6 as inserted by 1963, 327:1 by striking out said section and inserting in place thereof the following:

101-A:6 Group Hospitalization, Hospital Medical Care, Surgical Care and Other Medical and Surgical Benefits. The state shall pay the total premium per each state employee, and each retired employee and/or retired employee's beneficiary only if an option was taken at the time of retirement and the employee is not now living, towards the present group hospitalization, hospital medical care, surgical care and other medical benefits plan, or a group plan at no greater cost offering benefits as good or better than the present plan.

Further amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated for fiscal year 1974, and a like amount for fiscal year 1975, the following sums: three hundred twenty-seven thousand, nine hundred sixty-two dollars from the general funds of the state; one hundred seventy-two thousand, four hundred forty-one dollars from highway funds; eighteen thousand, one hundred ninety-nine dollars from fish and game funds; ninety thousand, two hundred ninety-one dollars from federal funds; eighteen thousand, one hundred ninety-nine dollars from self-sustaining funds. The governor is authorized to draw his warrant for said sums appropriated out of any money in the treasury not otherwise appropriated.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New Hampshire Retirement System. Amend RSA 100-A:9 (supp) as inserted by 1967, 134:1 by striking out said section and inserting in place thereof the following:

100-A:9 Ordinary Death Benefit-Group I and II Members. Upon receipt by the board of trustees of proper proof of the death of a group I or group II member in service indicating that such death was not the result of an accident occurring while in the performance of duty, there shall be payable to his surviving widow, to continue during her widowhood, provided that at the time of his death the member was eligible for service retirement, an allowance equal to fifty percent of the service retirement allowance that would have been payable to the member had he retired immediately prior to his death, based on his average final compensation and creditable service at that time, or a lump sum payment equal to the deceased member's annual earnable compensation to a person nominated by the member by written designation filed with the board. If, at the time of his death, the group I or group II member in service was not eligible for service retirement or, being so eligible, was not survived by a widow, there shall be paid to the person nominated by the member by written designation filed with the board, in addition to the amount payable under RSA 100-A:11, a lump sum equal to the greater of either: (a) three thousand six hundred dollars, or (b) an amount which is equal to the deceased member's annual earnable compensation at the time of his death.

Amendment adopted.

Referred to Appropriations.

#### HB 489

to make the police standards and training council a permanent state agency and making an appropriation therefor. Ought to pass. Rep. Palfrey for Executive Departments and Administration.

The committee unanimously felt that the Police Standards and Training Council has been, and should continue to be, a valuable asset to the state of New Hampshire.

Referred to Appropriations.

**HB 512**

providing for overtime pay to state employees engaged in snow grooming and farming. Ought to pass. Rep. Gallen for Executive Departments and Administration.

State employees doing snowplowing are receiving overtime; the committee felt that state employees grooming the slopes should be paid the same.

Referred to Appropriations.

**HB 520**

to provide for the bonding of state officials and employees; and making an appropriation therefor. Ought to pass with amendment. Rep. Palfrey for Executive Departments and Administration.

The committee felt that all officials and employees of all departments and agencies of the state should be covered by such a blanket bond to safeguard against any errors and losses.

**AMENDMENT**

Amend RSA 93-B:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

93-B:1 When Required. Officials and employees of all departments and agencies of the state shall be bonded by means of a blanket undertaking or undertakings from any duly authorized corporate surety, such blanket undertaking or undertakings to indemnify against losses through one or both of the following conditions:

I. Through the failure of the officers, clerks and employees covered thereunder faithfully to perform their duties or to account properly for all moneys or property received by virtue of their positions or employment, or

II. Through fraudulent or dishonest acts committed by the officers, clerks and employees covered thereunder.

Amend RSA 93-B:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

93-B:3 Amount of Coverage. The director of the division of purchase and property shall purchase such blanket bond or bonds as required in the form and amount as determined by the board of approval or as otherwise specified by law.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to the division of purchase and property for fiscal year 1974 the sum of four thousand fifty dollars from the general fund, the sum of seventeen hundred and fifty dollars from the highway fund and the sum of two hundred dollars from the fish and game fund; and for fiscal year 1975 the sum of four thousand fifty dollars from the general fund, the sum of seventeen hundred and fifty dollars from the highway fund and the sum of two hundred dollars from the fish and game fund. The funds hereby appropriated are to be used only for the purposes of this act. The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

**HB 529**

relative to the office of state geologist and an appropriation therefor. Inexpedient to legislate. Rep. Noble for Executive Departments and Administration.

The committee felt that this bill has merit but the bill was poorly drafted and too expensive.

Rep. Winkley commented on the bill.

Resolution adopted.

**HB 544**

providing that the state assume the full cost of health insurance for all state employees and making an appropriation therefor. Inexpedient to legislate. Rep. Noble for Executive Departments and Administration.

Subject matter covered by HB 433.

Resolution adopted.

**HB 563**

relative to prerequisites for the collection of real estate commissions. Inexpedient to legislate. Rep. Hoar for Executive Departments and Administration.

The provisions of this bill are covered by case law and existing statutes.

Resolution adopted.



**HB 491**

to create a state district court system, with full time judges, clerks, and other personnel, as a state supported court. Refer to the Joint Committee on Judiciary and the Judicial Council for interim study with report to be made by December 15, 1974. Rep. Record for Judiciary.

Rep. Zachos spoke in favor of the committee report.

Committee report adopted.

**SB 19**

to further protect the citizens of New Hampshire from unfair and discriminatory practices. Ought to pass. Rep. Nutting for Judiciary.

To outlaw discrimination in renting, etc., commercial property; now only dwellings covered.

Ordered to third reading.

**HB 598**

relative to misuse of special circumstance welfare grants. Ought to pass. Rep. Beaulieu for Public Health and Welfare.

Provides a statute whereby a person guilty of fraud could be prosecuted for misspending of welfare funds allocated for certain bills.

Ordered to third reading.

**HB 625**

relative to continuing education for optometrists and increasing the renewal license fee for optometrists. Ought to pass. Rep. Edward A. Johnson for Public Health and Welfare.

This act raises the annual license fee from ten to fifteen dollars and provides that all registered optometrists shall be required to take annual courses of study in optometry.

Referred to Appropriations.

**HB 666**

relative to mobile barbershops. Inexpedient to legislate. Rep. John H. Perkins for Public Health and Welfare.

Board of health prohibits such operation under present law. Inspection of barbershops on wheels would be diffi-

cult, also would not contribute rent or taxes to local communities.

Resolution adopted.

#### HB 87

providing for the acquisition of Shell Camp Pond Dam in the town of Gilmanton and making appropriation for the purchase, repair or reconstruction of same. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Dam proposed to be acquired is in poor repair. It has been general committee policy to oppose acquisition by the state of dams in such condition as to require material immediate expenditure.

Rep. George B. Roberts, Jr. moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Boyd, Oleson, Claflin, and Kopperl spoke against the motion.

Reps. Harry C. Parker, Twigg and Coutermarsh spoke in favor of the motion.

Rep. George B. Roberts, Jr. spoke a second time in favor of the motion.

Rep. Streeter moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

#### NOTICE OF RECONSIDERATION

Rep. George B. Roberts, Jr. served notice that today or some subsequent day he will ask reconsideration of the House action in killing HB 552, relative to the operation of power boats on Sunset Lake (Places Pond) in Alton.

Rep. Drake addressed the House on the Appropriation Committee's estimate of state revenue.

Mr. Speaker: On behalf of the Appropriations Committee, I requested time to address the House on the status of the three major funds; fish and game, highway, and the general fund. I wished that I could have prepared a status report on federal funds, but under the circumstances, we are working as diligently and as far as Boston and Washington as we can, to attempt to find some resolution in dealing with the federal fund impact on our budgets. Some of them are clear and when they are clearer, I will come before the House and give you as definite a statement on federal funds as we can from the committee.

We would like to report on the status of the fish and game fund first. I am sure many of you have read articles in the paper, have also heard a great deal of rumor about the fish and game fund being in a deficit condition as of the end of this year. It would have been except for the efforts of the legislative budget assistant's office, the auditors within that agency, the members of the subcommittee, and the earnest efforts of the fish and game department itself to find some resolution to the immediate and pressing problem. Because of the fact that they had included in their general fund the balance of funds which came from the sale of the fish hatchery, they showed a higher balance in their fund balance than was actually an unappropriated surplus. By going back through the records, we found that there was \$102,000 which had been lapsed by the comptroller in 1972 but the fish and game department had not picked up in their balance. By going back and re-examining the books in toto and anticipating what will be lapsed in this current year, we will end up, as of the first of July, with an approximate \$173,000 surplus. But from here we go into difficulty because with a 2.437 million dollar unrestricted revenue in the fish and game department for 1974 which would make 2.610 million dollars available for 1974, the Governor's recommended budget which includes a \$200,000 a year salary increase, proposed a spending level of \$3,030,000 which would leave the fish and game fund \$419,700 in the red as of July 1, 1974. From this balance with the anticipated revenue of \$2,450,000 in 1975, would leave funds available in 1975 of \$2,030,000 against the Governor's recommended budget of \$3,127,000 which would leave the estimated deficit at that point at \$1,096,000. There is one bill outstanding against the fish and game fund for \$51,000 which is reimbursement for workmen's compensation which has been incurred and will have to be paid. The subcommittee on Fish

and Game proposes that they will submit to the House in the budget bill a budget balanced within the estimate of revenue available. I say to you it will be a painful budget. But that is the status as it stands today on the fish and game fund.

In the projection of highway reserve and unappropriated surplus for the biennium ending June 30, 1975, we will start 1974 fiscal year with a balance of approximately \$459,000 plus estimated unrestricted revenue from gasoline, road tolls, motor vehicle fees and miscellaneous items of 57.9 million dollars for a total estimated funds available at 58.3 million dollars. Incidentally, copies of this financial report will be available at the Sergeant-of-Arms desk when I finish speaking here today. Against this is the Governor's recommended budget of 57.7 million plus transfers to the department of safety of 5.7 million, the highway coordinator of \$43,000 and attorney general's office of \$94,000 for a total of \$63,610,000 less estimated lapses which would mean a net expenditure of 62.9 million which would mean an estimated operating deficit of 4.5 million. Included as it has been in past years, is bond authorization within the budget of 4 million dollars in the first year which would put the fund roughly in a deficit position of \$528,000 as of July 1, 1974. From that balance with the unrestricted revenue, the gasoline road toll and motor vehicle fees and so forth, we would end up with estimated funds available in 1975 of \$61,000,000 with the Governor's recommended budget to safety and highway safety coordinator and attorney general's budget less lapses which would mean a net expenditure of 63.5 million dollars for an operating deficit of 2.5 million dollars with bonds again authorized at \$4,000,000 which would mean that the estimated unexpended balance as of June 30, 1975 would be \$1,443,000. There are bills presently in either the House or the Senate or in committee which have not yet been acted upon to the tune of 4.9 million dollars of charges against the highway fund. This statement does not reflect the federal funding for construction and reconstruction for the next biennium which is carried at the last biennial level of 50.7 million dollars. This is not included in the prior figures because this is pretty much of a construction and reconstruction item and is not budgeted against current revenue. In the last biennium we bonded in the highway budget to the tune of \$6,000,000. In this biennium the proposal at present is to bond for \$8,000,000. The committee has not yet taken final action or recommendation or included it in this

budget. I merely make this as an informative statement of a provision of a fund as it exists today.

Within the Appropriations Committee's estimate of General funds, we will start with the Governor's Estimate of Unappropriated Surplus as of June 30 of this year of \$12,678,000. Indicated from that time of preparation is an increase of \$473,000 in unrestricted revenue, which has already occurred since that earlier projection, plus an increase of \$150,685 in revenue sharing, for the last revenue sharing check that came in showed this much of an increase, which would make the Governor's unappropriated surplus projection of 13.3 million dollars as of July 1 of this year. To date, the legislative specials that have been enacted into law is the school building aid reimbursement for 2.979 million dollars. Bills which have passed the House or the Senate or are in committee affecting fiscal year 1973 amount to \$7,075,000. Now I think it is obvious that these are all bills many of you feel are outstanding bills, but that in all likelihood a number of them will die. If all of these bills were passed, it would mean an expenditure against that surplus of \$10,055,000 which would leave the unappropriated surplus as of June 30 of \$3,247,000. From that point, and I have identified these clearly so I think there will be no mistake in what projections are being used, I am at the present time stating the estimates of unrestricted revenue from the LBA office and I am sure that you saw the comparison between that and the agency and the comptroller's or Governor's recommended figures. The LBA's unrestricted revenue shows 121.8 million plus an estimated state revenue sharing of approximately \$6,000,000 for 1974 which has just been increased in making the allocation of funds. Less the Debt Service of \$4,677,000 and the reimbursement to cities and towns of \$21,041,000 would mean a total of \$102,481,000 in estimated funds available, plus the surplus would bring us to the point of available funds for special and operating budget appropriations of \$105,700,000. The Governor's operating budget recommendations which do not include the figures for the Governor's salary increase is \$99,341,000 for 1974, which would leave 6.386 million dollars available for either special bills or budget increases. For 1975 the revenue picture is \$127,700,000 plus a further increase of \$145,000 in federal revenue sharing for a total of \$134,245,000 less debt service of 4.854 million and reimbursements to cities and towns for \$22,093,000 would leave estimated funds available for 1975 at \$107,566,000. Estimated



funds available for Specials or Operating budget appropriations of 107.5 million, less the Governor's budget recommendations of 103.8 million which would leave 3.737 million available. The totals from the two years would leave available \$10,123,000. The Governor's budget recommends a 2.5 million dollar lapse each year and that money be re-appropriated. We have not included lapses at this point, we would include back an estimated one half of the Governor's recommended lapses of 2.5 million dollars for each year of the biennium which would then leave what money was unappropriated as a surplus at the end of the biennium. This would make available for spending 12.6 million dollars for all budget adjustments or for any legislative specials. At this point I think it fair to say that the amount of availability of money for '74 and '75 has a direct bearing on what I mentioned earlier as the special totals which are in the process that relate to 1973. Whatever of those bills die in the process will make that much more available in toto for either budget increases or for legislative specials. It is a very strong probability or appears at the moment, that racing in Nashua will, in effect, take place in 1974. If a new track in Nashua races a substantial part of 1974, we might anticipate between \$800,000 and a million dollars of additional revenue. Based on the May 1 payment of the Business Profits Tax, it appears we may be able to increase revenue by another three million.

We therefore estimate available for budget revisions	
Legislative specials	12,623,907
& estimated increase in Business	
Profits Tax & Dog Racing	4,000,000
	<hr/> 16,623,907
Bills affecting 1974 and 1975 that are in	
Committees	50,686,139

I take this opportunity to advise you that some very major increases in budgets in some departments will be recommended. As an example, it appears that a minimum increase in Health and Welfare of ten million dollars may be necessary .

The Governor's budget carried no new staffing funds for the State Hospital and a minimum of one and a half million additional funds are indicated.

I will be back from time to time to update this basic report as the Session progresses.

(discussion)

### RESOLUTION

Rep. Richard L. Bradley offered the following:

*Whereas*, our friend and colleague, John Gemmill, has grown tired of doing his own housekeeping and eating his own cooking, and

*Whereas*, he has sought to remedy the situation by taking to himself a wife, and

*Whereas*, Mr. Gemmill is a valuable and respected member of the New Hampshire House of Representatives and of the Grafton County Delegation, therefore be it

*Resolved*, that we, the members of the House, do extend to Mr. and Mrs. Gemmill our most sincere congratulations and best wishes for a long and successful life, economically, politically and matrimonially, and be it further

*Resolved*, that a copy of this resolution be given to the happy couple.

The clerk read the resolution in full.

Unanimously adopted.

### COMMITTEE REPORTS CONTINUED

#### HB 581

relative to zoning for mobile homes. Inexpedient to legislate. Rep. Benton for Municipal and County Government.

Careful consideration has been given, and a detailed evaluation has been made of the effects of this legislation on various segments of the population of New Hampshire. The committee is convinced that the overriding consideration in its report of "inexpedient" is the fact that this legislation should be enacted at the local level, rather than at the state level, as such enactment would be in direct conflict with the concept of "local option" granted to cities and towns under RSA 31:60.

Rep. Daniell moved that the words, ought to pass with

amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Hanson, Richard L. Bradley and George J. Thibeault spoke against the motion.

Rep. Merrill spoke in favor of the motion.

Motion lost.

Resolution adopted.

### HB 542

relative to foster care services and making an appropriation therefor. Majority: Ought to pass; Rep. Pierce for Public Health and Welfare. Minority: Inexpedient to legislate. (Reps. George E. Gordon, Sweeney, Helen F. Wilson, Donald K. Howard and Goodrich)

Majority: Since the state already places the children and sets the standards they should also standardize the fee and pay it.

Minority feels that the state will be superseding county duty and that it will be far more expensive if administered on a state level.

Rep. Donald K. Howard moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass, and spoke in favor of the motion.

(discussion)

Reps. Copenhaver, Pierce, Zechel, Fred E. Murray, Daniell and Williamson spoke against the motion.

Reps. Goodrich, George E. Gordon, Lawton, Albert C. Jones, Helen F. Wilson and Dwyer spoke in favor of the motion.

At the request of Rep. George E. Gordon, Rep. Wilson answered questions.

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the affirmative, the motion prevailed.  
Resolution adopted.

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The Speaker called for the Special Orders on:

**HB 646**

to provide that New Hampshire residents sixty-five years of age or over shall receive free lifetime hunting and fishing licenses. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Committee felt bill has merit but due to financial situation of the Fish and Game Department could reduce license revenue by 20%.

Resolution adopted.

**HB 603**

relative to sale of ice cream by weight. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Committee is sympathetic with sponsor, but feels bill would not solve problem. New Hampshire laws on ice cream are federal uniform standards. Federal standards provide that ice cream be sold by volume. Weight does not determine quality.

Rep. Keefe moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Greene and Campbell spoke against the motion.

Rep. Paul McEachern spoke in favor of the motion.

(discussion)

Rep. Colburn explained the committee report.

A division was requested.

140 members having voted in the affirmative and 130 in the negative, the motion prevailed.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Sale of Ice Cream. Amend RSA 359-A by inserting after section 30 the following new section:

359-A:30-a Ice Cream. No pre-packaged ice cream shall be sold or offered for sale at retail unless the package shall display the minimum average net weight of the contents in numerals and letters and the basic ingredients in letters. The numerals and letters representing the minimum average net weight shall be immediately adjacent to or below, of the same general design and style as, and at least one half the height and width of the letters representing the words "ice cream".

2 Effective Date. This act shall take sixty days after its passage.

The clerk read the amendment in full.

Amendment adopted.

Ordered to third reading.

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Rep. Joseph L. Cote informed the members of the House that Mr. Jim White of Pelham, formerly a member of the minority office during the 1971 session and also a former Hillsborough County Democratic Chairman and in this past session a member of the Senate Chamber Staff, is again a patient at the Manchester V. A. Hospital. Members of this House from both sides of the aisle are indeed aware of the abilities and fairness of Mr. White. For those who wish to send get-well cards the address is: Manchester V. A. Hospital, Manchester N. H.

## RECONSIDERATIONS

Rep. Gordon moved Reconsideration of HB 542, relative to foster care services and making an appropriation therefor.

Reconsideration lost.

Rep. Claflin moved Reconsideration of HB 87, providing for the acquisition of Shell Camp Pond Dam in the town of Gilmanton and making appropriation for the purchase, repair or reconstruction of same.

Reconsideration lost.

Rep. Paul McEachern moved Reconsideration of HB 603, relative to sale of ice cream by weight.

Reconsideration lost.



Reps. George B. Roberts, Jr. and Coutermarsh moved that all bills not acted upon today be acted upon tomorrow.

Adopted.

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Consent Calendar Day Wednesday morning April 25; regular calendar in the afternoon.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that reading of bills be by title only and resolutions by caption only and all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time.

#### LATE SESSION

Third reading and final passage

HB 576, relative to guardianship statutes.

SB 33, relative to payment of court fees for breath tests of blood alcohol content.

SB 48, relating to times and places of holding regular terms of probate court in Cheshire county.

SB 58, clarifying definitions under the charitable trust statutes.

HB 707, providing that the flag of the United States shall be displayed and flown at polling places.

HB 724, relative to reporting new owners of mobile homes.

HB 735, to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance.

HB 746, relative to the date of annual town meetings.

HB 474, increasing the mileage allowance for sheriffs and deputies in Rockingham county.

SB 19, to further protect the citizens of New Hampshire from unfair and discriminatory practices.

HB 598, relative to misuse of special circumstance welfare grants.

HB 603, relative to sale of ice cream by weight.

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On motion of Reps. George B. Roberts, Jr. and Coutermarsh the House adjourned at 5:32 p.m. to meet tomorrow at 11:00 a.m.

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## *Thursday, 19Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

Lord, our God, our happiness is Your concern. From glory it is that our concern should be to live happily as men. May we see at last this world cured, restored, Your name hallowed among us, peace on earth. We ask this through Christ our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Reps. Webb and Bell led the Pledge of Allegiance.

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Rep. Webb introduced the New Hampshire Honor Choir who rendered several selections.

### LEAVES OF ABSENCE

Reps. Boisvert, McManus and Conway, the day, important business.

Rep. Cobleigh, the day, illness.

Rep. Kashulines, the day and next week, important business.

### RESOLUTION

Rep. George B. Roberts, Jr. offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 824 through 829 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

## INTRODUCTION OF HOUSE BILLS

### First, second reading & referral

HB 824, relative to disqualification and union membership. (Spirou of Hillsborough Dist. 27 — To Labor, Human Resources and Rehabilitation.)

HB 825, redefining readiness to accept work for the purposes of unemployment benefits. (Spirou of Hillsborough Dist. 27 — To Labor, Human Resources and Rehabilitation.)

HB 826, relative to the repeal of the section excepting the office of employment security from the operation of RSA 91-A. (Spirou of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 827, relative to sharing profits of sweepstakes money with pupils attending schools. (Pryor of Coos Dist. 7 — To Education.)

HB 828, authorizing the county commissioners to employ legal counsel. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 829, relative to doping and stimulating animals at equine events. (Maguire of Belknap Dist. 9; Sabbow of Belknap Dist. 8 — To Environment and Agriculture.)

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Rep. D'Allesandro introduced Mr. Janos Szabo, Minister of Sports in Hungary and the first Hungarian to visit the New Hampshire Legislature, who addressed the House.

"Mr. Speaker and Members of the House, I am extremely pleased to have the opportunity to speak before you. This is my first visit to America. I have enjoyed it as an expert of physical education, as a coach, as a man and I was deeply impressed with your beautiful state of New Hampshire.

It is my sincere hope that the good relations that exist be-

tween my country and America will continue, and some of you will have the opportunity to visit Hungary one day.

Tomorrow morning I will leave New Hampshire after a month's stay at New Hampshire College. The moment when I say farewell to you I must mention all the people of the college, the whole D'Allesandro family who did so much for me.

I cannot tell you how much my first visit to America means to me, the wonderful people I have met. Thank you very much."

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Rep. Vachon moved that the remarks of Mr. Szabo be printed in the Journal.

Adopted.

## SENATE MESSAGES

### CONCURRENCE

HB 124, to reclassify a certain section of highway in the town of Jaffrey.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 102, to delete reference to federal funds being applied to reimburse the state. Appropriations.

SB 67, changing the compensation of certain state law enforcement employees. Executive Departments and Administration.

SB 66, to provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor. Environment and Agriculture.

SB 44, relative to the notice required for the layout of class IV, V, VI highways. Public Works.

## CONCURRENCE HB's WITH SENATE AMENDMENTS

HB 72, relative to requirements and prohibitions for county officers and employees.

(Amendment printed in SJ Apr. 18)

Rep. Hanson moved that the House concur with the Senate amendment.

Adopted.

HB 370, relative to the appointment and removal of medical referees by the county commissioners.

(Amendment printed in SJ Apr. 18)

Rep. Hanson moved that the House concur with the Senate amendment.

Adopted.

HB 270, relative to county elections and vacancies of county offices.

(Amendment printed in SJ Apr. 18)

Rep. Hanson moved that the House nonconcur and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Hanson, Merrill, Bednar, Ezra B. Mann and Roy W. Davis.

## COMMITTEE REPORTS

### HB 308

relative to the income and operating charges of state buildings at Eastern States Exposition. Ought to pass. Rep. Drake for Appropriations.

The bill gives the commissioner of agriculture the discretion to rent the state building at the Eastern States Exposition for the purposes of storage or other uses as necessary for supplemental income to help defray operating expenses. Within the income, the Commissioner may now pay for liability insurance and other improvements instead of the required fire insurance.

Ordered to third reading.

### HB 502

lowering to age three the age at which special education for handicapped children shall begin and making an appropriation therefor. Ought to pass with amendment. Rep. Hager for Education.



The need for more adequate education for handicapped children was amply demonstrated by both the hearing on this bill and by individual knowledge of the plight of the handicapped child in this state.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Program of Special Education. Amend RSA 186-A:1 (supp), as inserted by 1965, 378:1, by striking out said section and inserting in place thereof the following:

186:1 Declaration of Purpose. It is the policy of this state to provide, and to require school districts to provide, as an integral part of free public education, the best and most effective education possible to all handicapped children in New Hampshire. The timely implementation of this policy to the end that all handicapped children actually receive the special education necessary to their proper development is herein declared to be an integral part of the policy of this state. It is the express purpose of this act to bring about the timely implementation of the intent of chapter 186-A.

2 Handicapped Children. Amend RSA 186-A:2 (supp) as inserted by 1965, 378:1, as amended, by striking out said section and inserting in place thereof the following:

186-A:2 Definitions. The following words as used in this chapter shall be construed as follows:

I. "Physically handicapped" shall mean a child under the age of twenty-one, married or unmarried, whose activity is or may become so far restricted by reason of a physical defect or infirmity, however caused, as to reduce his normal capacity for education or self-support, or both.

II. "Intellectually handicapped" shall mean a child under the age of twenty-one, married or unmarried, whose activity is or may become so far restricted by intellectual handicap, however caused, as to reduce his normal capacity for education or self-support, or both.

III. "Emotionally handicapped" shall mean a child under the age of twenty-one, married or unmarried, who, by reason

of internal emotional conflicts, home conditions or general environment, has behavior and/or learning problems or is otherwise unable to make normal social or educational adjustments, but who has sufficient intellectual and emotional capacity to be enabled with clinical diagnosis, proper treatment, training and remedial education, to become a responsible and self-supporting citizen.

IV. "Handicapped child" shall mean any child who is handicapped by one or more of the above-defined handicaps.

3 Tuition of Handicapped Children. Amend RSA 186-A:8 (supp) as inserted by 1965, 378:1, as amended, by striking out in lines nine and ten the words "Schooling for deaf children may commence at age four." so that said section as amended shall read as follows:

186-A:8 Tuition of Handicapped Children. Whenever any handicapped child shall attend any public or private school or program situated within or outside of this state, which offers special instruction for the training or education of handicapped children, and which has been approved for such training by the state board of education, the school district where such handicapped child resides is hereby authorized and empowered and shall appropriate and pay a portion of the cost of such education. The state board of education may assign children to approved schools for handicapped children, as provided in RSA 193:3. The school district in which each handicapped child resides shall be liable for the tuition of said child. The tuition shall be limited to the state average cost per pupil of the current expenses of operation of the public elementary, junior high or high school as estimated by the state board of education for the preceding school year. This current expense of operation shall include all costs except costs of transportation of pupils and except capital outlay and debt obligations. A school district may pay tuition at a rate higher than the amount specified in this section when in the judgment of the school board the circumstances warrant it. In Cheshire county, upon request of such a school district, and upon approval by the county convention, the county may raise and appropriate funds to pay a portion of such costs for special education under this section.

4 Appropriation. The sum of six hundred seventy-eight thousand, one hundred and one dollars is hereby appropriated

for the fiscal year 1974 and the sum of eight hundred sixty-two thousand, seven hundred ninety-eight dollars is appropriated for the fiscal year 1975 to be expended by the state board of education for the purposes of this act and RSA 186-A. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. This appropriation shall be in addition to all other funds appropriated to the state board of education.

5 Effective Date. This act shall take effect July 1, 1973.

Amendment adopted.

Referred to Appropriations.

## HB 514

relative to representative school district voting rights in supervisory union matters. Ought to pass with amendment. Rep. Cecelia L. Winn for Education.

This bill as amended by the Education Committee presents a more equitable distribution of voting powers within supervisory unions.

## AMENDMENT

Amend section 1 of said bill by striking out the same and inserting in place thereof the following:

1 Right to Cast Votes in Supervisory Union Election Matters. Amend RSA 189:46 (supp), as amended, by striking out said section and inserting in place thereof the following:

189:46 Additional Voting Rights. In voting in the selection of supervisory union personnel, the salaries relating thereto, and all other business required for the operation of a supervisory union office, each district which had for the previous year more than three hundred pupils in average daily membership in residence shall be entitled to one additional vote, and one additional vote for each two hundred pupils or major part thereof in excess of three hundred pupils. The additional votes that a school district may vote shall be cast as follows:

1. Each representative present and voting shall be entitled to vote an equal proportion of the total votes available to the school district.

II. Fractional votes shall be adjusted to whole votes by counting as additional vote, where the fraction is fifty percent or more. In case of an even split in fractional voting, the fractional votes shall be counted as cast.

Amendment adopted.

Ordered to third reading.

### **HB 150**

(New Draft), providing for solid waste disposal and resource recovery, and making an appropriation therefor. Ought to pass with amendment. Rep. Greene for Environment and Agriculture.

The bill as amended would provide one year for towns to submit a satisfactory plan for solid waste management. If approved the town would receive a \$2.00 per capita incentive grant for the second year of the biennium. Unanimously approved by committee.

### **AMENDMENT**

Amend RSA 147:45 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

147:45 Revenue for Disposal. There is hereby appropriated to each town, city or unincorporated place for each fiscal year a sum equal to two dollars for each person residing in such town, city or place based on the latest resident population figures furnished by the office of state planning, provided, however, that a town, city or place, shall receive such sums only if it has received approval from the director of the division of public health services for a local, regional or cooperative program consistent with any regional plan developed by said division for the separation, collection or recycling of solid wastes or the hauling of such wastes to a collection or recycling center, which program will become operative in the 1976 fiscal year. Payment of such sums shall be made within ninety days of the certification of the annual resident population figures to the state treasurer by the office of state planning pursuant to the provisions of RSA 78-A:25.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to each

town, city or unincorporated place for the fiscal year ending June 30, 1975 a sum equal to two dollars for each person residing in such town, city or place based on the latest resident population figures furnished by the office of state planning. Said sums shall be expended as provided in RSA 147:43-44 as inserted by section 1 of this act. Payment of such sums shall be made within ninety days of the certification of the annual resident population figures to the state treasurer by the office of state planning pursuant to the provisions of RSA 78-A:25. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 Effective Date. RSA 147:43-44 as inserted by section 1 of this act shall take effect July 1, 1973. RSA 147:45 as inserted by section 1 of this act and section 2 of this act shall take effect July 1, 1974.

Amendment adopted.

Referred to Appropriations.

#### **HB 151**

(New Draft) , establishing a solid waste committee. Ought to pass with amendment. Rep. Greene for Environment and Agriculture.

Provides for recommendations and legislation for statewide planning in the field of solid waste and resource recovery.

#### **AMENDMENT**

Amend section 1 of the bill by striking out the same and inserting in place thereof the following:

1 Solid Waste Committee Established. There is hereby established a solid waste committee to be composed as follows: two representatives to be appointed by the speaker of the house; two senators to be appointed by the president of the senate; and three citizens to be appointed by the governor and council. Said committee shall prepare a report on a method to implement a complete plan for solid waste disposal, which plan shall provide for state-wide, regional, and local recycling of solid waste and for resource recovery. The committee shall consult with officials from the division of public health services of the department of health and welfare in drawing up such report and



shall submit a preliminary report to the house committee on environment and agriculture in July, 1974. The committee shall submit its final report together with any proposed legislation to the house committee on or before October 15, 1974. Members of the committee shall receive no salary, but legislative members shall receive expenses and mileage at legislative rates and the non-legislative members shall receive mileage and expenses at the rate paid to state employees.

Amendment adopted.

Referred to Appropriations.

#### **HB 626**

relative to protecting one's property from damage caused by wild birds and/or wild animals. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Bill not necessary with present laws.

Resolution adopted.

#### **HB 438**

relative to habitual offenders of the motor vehicle laws. Ought to pass with amendment. Rep. McManus for Judiciary.

Shortens period of violations from ten years to five years; adds operation in violation of the financial responsibility as a serious violation; changes revocation of license from quasi-criminal to civil proceeding. As amended penalty is imprisonment for a period not to exceed five years.

### **AMENDMENT**

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Penalty. Amend RSA 262-B:7 (supp) as inserted by 1969, 433:1 by striking out said section and inserting in place thereof the following:

262-B:7 Penalty.

I. It shall be unlawful for any person to operate any motor vehicle on the public highways of this state while the order of the court prohibiting such operation remains in effect. If any person found to be a habitual offender under the provisions of this chapter is thereafter convicted of operating a motor vehicle

on the public highways of this state while the order of the court prohibiting such operation is in effect, he shall, notwithstanding the provisions of RSA Title LXII be sentenced to imprisonment for a period not to exceed five years. Any person convicted of a violation of this chapter whose sentence is:

(a) Less than one year and one day, or

(b) Greater than one year and a day, but a portion of said sentence is suspended so that the period designated to be served is less than one year and one day, shall be considered for all purposes to have been convicted of a misdemeanor.

II. For the purpose of enforcing this section, any case in which the accused is charged with driving a motor vehicle while his license, permit or privilege to drive is suspended or revoked, or is charged with driving without a license, the court before hearing such charge shall determine whether such person has been held an habitual offender and by reason of such holding is barred from operating a motor vehicle on the public highways of this state.

Amendment adopted.

Ordered to third reading.

### **HB 253**

(New Draft), to adopt an occupational safety and health law for the state of New Hampshire; and making an appropriation therefor. Refer to standing committee on Labor, Human Resources and Rehabilitation. Rep. Stevenson for Labor, Human Resources and Rehabilitation.

Committee feels this bill requires further study.

Committee report adopted.

### **HB 553**

relative to erecting town and city signs commemorating incorporation. Ought to pass with amendment. Rep. Randlett for Municipal and County Government.

This is a permissive bill for towns and cities which may wish to put up commemorative signs for the bicentennial. Each municipality desiring to erect a sign will receive a sum not exceeding fifty dollars per sign toward the cost — estimated to be approximately \$200 each, from the department of public works and highways. This department will

also be responsible for the manufacture of each sign in order to provide uniformity.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Signs Commemorating Incorporation. A suitable number of signs may be erected by each town and city in New Hampshire along routes frequently utilized by motorists. These signs shall be of a size and shape to be determined by the commissioner of public works highways and shall have the state seal at the top, but such signs must be so constructed and placed as to be read easily by passing motorists. The signs are to contain the name of the town or city, the date of its incorporation, and may contain other historic or descriptive information as shall be determined by the selectmen or city council, subject to the approval of the commissioner of highways. The signs are to be erected over a three year period prior to July 1, 1976, and will serve to commemorate the bicentennial of the United States of America.

2 Seed Money to Cities and Towns. Each town or city which desires to erect signs commemorating incorporation shall, upon request, receive a sum not exceeding fifty dollars per sign, which shall be credited toward the total price of each sign ordered pursuant to the provisions of this act. Towns or cities receiving such signs shall erect them after consultation with the department of public works and highways and shall maintain such signs.

3 Sales. The commissioner of public works and highways is authorized to contract with a competent and qualified sign manufacturer for the construction of signs commemorating incorporation. Such signs shall be constructed according to standards furnished by the commissioner and shall be sold to cities and towns less any credits provided for in section 2 of this act at a price to be determined by the commissioner.

4 Appropriation. The sum of forty-eight thousand dollars is hereby appropriated to the highway department for the biennium ending June 30, 1975 for the purposes of this act. The sum thus appropriated shall be in addition to all other appropriations to the highway department. The governor is autho-

rized to draw his warrant for said sums hereby appropriated out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect July 1, 1973.

Amendment adopted.

Referred to Appropriations.

#### **HB 587**

permitting John P. McGee to receive retroactive credit with City of Portsmouth Employee Retirement System. Ought to pass. Rep. Keefe for the Portsmouth Delegation.

Referred to Appropriations.

#### **HJR 41**

relative to the payments to welfare patients in nursing homes. Ought to pass. Rep. Donalda K. Howard for Public Health and Welfare.

This house joint resolution appropriates additional sums to the department of health and welfare to provide for the state's share of the increased rates for welfare patients in nursing homes. The sum of \$526,887 is appropriated for fiscal year 1974 and \$542,784 is appropriated for fiscal year 1975.

Referred to Appropriations.

#### **HB 396**

relative to the incorporation of roads used without charge into toll roads. Inexpedient to legislate. Rep. Alice Davis for Public Works.

The committee was unanimous in voting this bill inexpedient to legislate. Legislation such as this could and would jeopardize much of New Hampshire's highway building efforts. It would restrict future Legislatures in highway planning.

Resolution adopted.

#### **HB 450**

establishing an exemption from the taxation of legacies and successions. Inexpedient to legislate. Rep. Splaine for Ways and Means.

The committee vote was unanimous. The question of con-

stitutionality was raised, and the committee believed the proposed exemption would be unfair to those remaining and paying the tax.

Resolution adopted.

#### **HB 594**

providing a basis for the distribution of federal revenue sharing funds. Inexpedient to legislate. Rep. Nutt for Ways and Means.

The committee felt that the uncertainties in the provisions and future of revenue sharing did not justify making this specific commitment at this time, in addition to which the state had ample need for its portion of revenue sharing which presently is smaller than that allocated to the counties and municipalities. The committee vote was unanimous.

Resolution adopted.

#### **HB 378**

relative to eligibility for public assistance. Inexpedient to legislate. Rep. Daniell for Public Health and Welfare.

Thought to be a meddlesome and unwise interference with those who administer relief.

Rep. Twardus moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

The clerk read the amendment in full.

Rep. Edward A. Johnson explained the committee report.

(discussion)

Rep. Curran spoke in favor of the motion.

Rep. Haller spoke against the motion.

Motion lost.

Resolution adopted.

The Speaker called for the Special Order on:

#### **CACR 29**

relating to the compensation of the members of the gen-



eral court. Providing that the compensation paid the members of the general court be increased. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

The committee still feels that questions dealing with size and/or compensation of the legislature would be better considered by the Constitutional Convention.

Rep. Joseph M. Eaton explained the committee report.

Rep. Lawton moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Brungot, Coutermarsh, Gerry F. Parker, and David J. Bradley spoke in favor of the motion.

Reps. Leonard A. Smith, Horan, Gillmore, Chandler and Harvell spoke against the motion.

Rep. Lebel moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the affirmative the motion prevailed.

On the question of ordering CACR 29 to third reading a division vote was taken.

218 members voted in the affirmative and 82 in the negative, the motion did not carry by the necessary sixty percent.

Rep. Lawton moved that CACR 29 be laid on the table.

Laid on table.

## RECESS

## AFTER RECESS

(Deputy Speaker in the Chair)

## EXTENSIONS

Rep. Roma A. Spaulding moved that the committee on

Public Health and Welfare be granted a six-day extension on HB 425, to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people and to abolish the crime of common drunkenness.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 435, levying an assessment against the state's revenue from alcoholic beverages for the alcohol and drug abuse program.

Granted.

Rep. Roma A. Spaulding moved that the committee on Public Health and Welfare be granted a six-day extension on HB 574, relative to advanced registered nurse practitioners.

Granted.

#### COMMITTEE REPORTS CONTINUED

The Speaker called for the Special Orders on:

##### **HB 430**

relative to increasing the percent of the road toll revenue for highway subsidy to towns and cities. Inexpedient to legislate. Rep. Fortier for Public Works.

With gasoline price increases or rationing a possibility before year end, the committee feels that this bill is premature under the existing national situation.

Rep. George I. Wiggins moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Fortier spoke against the motion.

(discussion)

Rep. Joseph L. Cote requested a quorum count and subsequently withdrew his request.

Reps. Joseph L. Cote and Nutt spoke in favor of the motion.

Rep. Harry C. Parker spoke against the motion.

Rep. Coburn moved that HB 430 be indefinitely postponed and spoke in favor of the motion.

Question on the motion that HB 430 be indefinitely postponed.

On a vv the Speaker was in doubt and requested a division.

105 members having voted in the affirmative and 161 in the negative, the motion lost.

Question being on Rep. Wiggins' motion, ought to pass.  
Adopted.

Referred to Appropriations.

Rep. Curran wished to be recorded as voting in favor of the committee report.

### **HB 537**

relative to an additional interchange on the Eastern New Hampshire Turnpike at North Hampton with Route 101-D and making an appropriation therefor. Inexpedient to legislate. Rep. Martineau for Public Works.

The committee voted this bill inexpedient to legislate for several reasons.

An additional interchange on interstate I-95 (Blue Star Memorial Highway) less than one mile from an interchange now under construction in connection with the widening of I-95 to eight lanes, in the opinion of the committee, is impracticable. And, it is not consistent with good highway safety on this high speed expressway.

Furthermore, the cost of the interchange plus the cost of widening and improving highway 101-D (Atlantic Ave. and Exeter Rd.) to handle the anticipated additional traffic thus created on 101-D, would take several million dollars from highway funds needed elsewhere in New Hampshire.

Rep. Elliot A. Stevens moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. Alice Davis, Parr and Daniels spoke against the motion.

Rep. Scamman spoke in favor of the motion.

(discussion)

Rep. Martineau spoke against the motion.

Reps. Martineau yielded to Rep. Arthur F. Mann who answered questions.

Rep. Merrill moved that HB 537 be recommitted to the Committee on Public Works, and spoke in favor of the motion.

Reps. Stevens and Scamman spoke in favor of the motion.

Reps. Belair and Davis spoke against the motion.

Rep. Meserve moved the previous question on the pending motion.

Sufficiently seconded.

Adopted.

Question being on Rep. Merrill's motion to recommit.

Rep. T. Anne Webster requested a division.

It being manifestly in the negative the motion lost.

Rep. Cate moved the previous question on all pending motions.

Sufficiently seconded.

Adopted.

Question being on Rep. Stevens' motion, ought to pass.

Motion lost.

Question on Committee report, inexpedient to legislate.

Resolution adopted.

## **HB 129**

to reimburse the town of Lincoln for its outstanding share of indebtedness on bonds issued for the cost of its industrial waste treatment plant and to make an appropriation therefor. Ought to pass with amendment. Rep. Claffin for Resources, Recreation and Development.

Enables town of Lincoln to have an extension of time to work out their problems.

Rep. Boyd explained the committee report.

Rep. Clark moved that the words, ought to pass with

amendment, be substituted for the committee report, ought to pass with amendment and spoke in favor of the motion.

(discussion)

Rep. Richard L. Bradley spoke in favor of the motion.

(Speaker in the Chair)

Reps. Curran and Coutermarsh spoke in favor of the motion.

Reps. Boyd, Nelson and Kopperl spoke against the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

144 members having voted in the affirmative and 134 in the negative, the Clark motion prevailed.

Question now being on the adoption of the Clark amendment.

#### AMENDMENT

Amend the title of the bill by striking same and inserting in place thereof the following:

#### AN ACT

increasing the authority of the town of Lincoln to issue emergency notes.

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

I Emergency Borrowing Power. Amend 1972, 48:2, II by striking out in lines six and seventeen the words "one hundred fifteen" and inserting in place thereof the following (one hundred sixty-five) and by striking out in line thirteen the number "1973" and inserting in place thereof the following (1975) so that said paragraph as amended shall read as follows:

II. The provisions of this section are enacted and are to be given effect notwithstanding any other provisions of law, if any, to the contrary. In addition to its borrowing power as determined without regard to the provisions of this section, the town



of Lincoln is hereby empowered to issue notes to the state of New Hampshire in total face amounts not to exceed one hundred sixty-five thousand dollars. The issuance of such notes shall be governed by the provisions of RSA 33:8, provided that for the purposes of that section such notes shall be treated as if they were tax anticipation notes and provided further that the warrant for any special meeting of the town must be served or posted no more than seven days prior to the date of that meeting. Such notes shall be deemed general obligations of the town. Such notes shall be redeemed no later than June 30, 1975. The treasurer of the state of New Hampshire is hereby authorized with the approval of the governor and council to purchase such notes of the town of Lincoln and the power of the treasurer to borrow on the credit of the state is hereby increased by the power so to borrow one hundred sixty-five thousand dollars in addition to such amount as he may, from time to time, be authorized to borrow under any other provisions of law. This increased power shall extend for a period of thirty days beyond the date at which any notes of the town of Lincoln, authorized by this paragraph, shall in fact be redeemed.

2 Effective Date. This act shall take effect upon its passage.

Clark amendment adopted.

Referred to Appropriations.

#### HB 141

relative to modification of the business profits tax. Ought to pass with amendment. Rep. Cunningham for Ways and Means.

The penalty for *late filing* of \$10. is removed, and changes the requirement of filing to: Commencing July 1, 1970, every business organization having gross business income in *excess of twelve thousand dollars* as defined by RSA 77-A:1, VI.

Any business organization which fails to make payment when due the late payment charge remains the same.

#### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exemption from Filing Return. Amend RSA 77-A:6, I, as inserted by 1970, 5:1, by inserting in line one after the word "organization" the following (having gross business income in excess of twelve thousand dollars as defined by RSA 77-A:1, VI, shall, during the taxable period,) so that said paragraph as amended shall read as follows:

I. Commencing July 1, 1970, every business organization having gross business income in excess of twelve thousand dollars as defined by RSA 77-A:1, VI, shall, during the taxable period, before the first day of the fifth month following expiration of its taxable period, make a return to the commission under such regulations and in such form or manner as the commission may prescribe. Returns shall contain full data as to all matters required by the commission for correct computation of taxable business profits and the tax assessed thereon. All returns shall be signed by the taxpayer or by its authorized representative, subject to the pains and penalties of perjury.

2 Payments. Amend RSA 77-A:7, II (supplement) as inserted by 1971, 515:8 by striking out the second sentence of said paragraph so that said paragraph as amended shall read as follows:

II. Any business organization which fails to make payment when due shall, in addition pay a late payment charge equal to ten percent of the defaulted payment plus interest computed at the rate of one percent per month or fraction thereof from the prescribed payment date to the date payment is actually made.

3 Definitions. Amend RSA 77-A:1, IV, by striking out the word "allocation" in line two and inserting in its place the word (apportionment) so that said paragraph as amended shall read as follows:

IV. "Taxable Business Profits" means gross business profits reduced by the method of apportionment provided in RSA 77-A:3 and the deductions allowable under RSA 77-A:4.

Further amend RSA 77-A:1 by inserting after paragraph V the following new paragraphs:

VI. "Gross Business Income" means the total amount to be included for federal income tax purposes measured by the gross volume of business, in terms of gross sales, gross rents, gross receipts or in other terms, before any consideration is given to

allowances or deductions for cost of sales, costs of operation or expenses.

VII. "Proprietorship" means the aggregate of RSA 77-A:1, III (d) and (e) in considering the gross business income as defined in paragraph VI (supp).

VIII. "Prescribed Filing Date" means the original statutory due date, or approved extended due date.

IX. "Prescribed Payment Date" means the original statutory due date.

X. "Timely Filing" means any return or declaration received in the office of the business profits tax division as evidenced by date received stamp on or before the fifteenth day of the month in which the original statutory due date or approved extended due date falls.

4 Repeal. RSA 77-A:6, III (supp) as inserted by 1971, 515:7 providing for a late filing fee is hereby repealed.

5 Effective Date. Sections 1 and 3 of this act shall apply to returns and taxes due on account of taxable periods ending on or after January 1, 1973 and provided further sections 2 and 4 shall apply to returns and taxes due on account of taxable periods ending on or after December 31, 1972.

Amendment adopted.

Referred to Appropriations.

#### **HB 231**

relative to amount of revenue from business profits tax returned to towns and cities. Ought to pass. Rep. Splaine for Ways and Means.

Raises to 10% from 5% the revenue returned to towns and cities by the business profits tax. Unanimous vote.

Referred to Appropriations.

#### **HB 59**

increasing the deduction for personal services contributed to the operation of rental property for partnership and proprietorships from the business profits tax. Majority: Inexpedient to legislate; Rep. Cunningham. Minority: Ought to pass with amendment. (Reps. Chandler and Elmer L. Johnson)

Majority: The committee recommended inexpedient to legislate as the present exemption is a minimum not a maximum and any justifiable exemption in excess of \$3,000 is allowable under the present law.

Minority: The change is in conformity with changes that have been recommended by the committee in the business profits tax in other bills.

Rep. Chandler moved that the report of the minority, ought to pass with amendment, be substituted for the report of the majority, inexpedient to legislate.

Rep. Chandler yielded to Rep. Read to explain the minority report.

Rep. Cunningham spoke against the motion.

(discussion)

Reps. Rich, Elmer L. Johnson and Brungot spoke in favor of the motion.

Rep. Read spoke a second time in favor of the motion.

A division was requested.

111 members having voted in the affirmative and 141 in the negative, the motion lost.

Resolution adopted.

### EXTENSIONS

Rep. Clafin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 671, prohibiting the use of motorboats on Willard Pond in Antrim.

Granted.

Rep. Clafin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 669, relative to the use of power boats on Smith Pond in Enfield.

Granted.

### ANNOUNCEMENTS

All members of the General Court, the staff, and their

guests are cordially invited to attend a special one-hour presentation of "Sounds of the Silver Screen", a musical performance produced by students of the University of New Hampshire. The presentation will be held in the Franklin Pierce Room of the N. H. Highway Hotel on Wednesday, April 25, one-half hour after adjournment of the later House. This musical special is a tribute to the General Court during the Golden Jubilee of the University's chartering.

### FOSTER CHILDREN'S DAY

Time: 2 p.m., Sunday, April 29th

Place: State House

Ice cream and candy for the youngsters.

Guided tour of the State House.

Foster children throughout the state are invited to attend this "Foster Childrens' Appreciation Day."

This will also provide opportunity for Rep. Keefe to furnish ice cream to the many foster children throughout the state.

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Notice to Members: The Committee to consider procedures to better coordinate and manage the introduction of bills in the next legislative session is not presumed to be all-wise. The committee earnestly invites members of this House to contribute their ideas. Please write them out or communicate them directly to any one of the committee: Reps. Altman, David J. Bradley, Joseph M. Eaton, Hanson and Pierce.

Reps. George B. Roberts, Jr. and Coutermarsh moved that the remaining bills not acted upon today be made a Special Order for Tuesday next.

Adopted.

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Consent Calendar Day Wednesday morning April 25, regular Calendar Wednesday afternoon.

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Rep. George B. Roberts, Jr. moved that we now adjourn



from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only, and when the House adjourns it adjourn to meet Tuesday next at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HB 308, relative to the income and operating charges of state buildings at Eastern States Exposition.

HB 514, relative to representative school district voting rights in supervisory union matters.

HB 438, relative to habitual offenders of the motor vehicle laws.

### RECONSIDERATIONS

Rep. George E. Gordon moved Reconsideration on HB 129, increasing the authority of the town of Lincoln to issue emergency notes.

Reconsideration lost.

Rep. Nutt moved Reconsideration on HB 430, relative to increasing the percent of the road toll revenue for highway subsidy to towns and cities.

Reconsideration lost.

Rep. Joseph L. Cote moved Reconsideration on HB 231, relative to amount of revenue from business profits tax returned to towns and cities.

Reconsideration lost.

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On motion of Rep. Benton the House adjourned at 5:49 in honor of his thoroughbred mare "Orient Queen", who last night presented the Colonel with a bouncing, kicking colt of 100 pounds.

*Tuesday, 24Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

Lord, our God, hear our prayer, knowing that we wish to pray only for Your kingdom and for peace and truth, and that we pray that Your will be done at all times in us and from day to day. We ask You this through Jesus Christ. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Lyons led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Rep. Woodward, the week, illness.

Reps. Woodruff, Boisvert, Taber, Lebel and Belcourt, the week, important business.

#### RESOLUTION

Rep. Merrill offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 831 through 837 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 831, relative to trespass upon private real property by sportsmen. (Bergeron of Hillsborough Dist. 14 — To Fish and Game.)

HB 832, increasing the debt limit for the Merrimack school district. (Lyons of Hillsborough Dist. 13 — To Education.)

HB 833, providing for the registration of social workers,

establishing a social work registration board, and creating a client-social worker privilege. (Stevens of Cheshire Dist. 1; Copenhagen of Grafton Dist. 13; Beaulieu of Hillsborough Dist. 31; Pierce of Belknap Dist. 7; Thompson of Strafford Dist. 9 — To Public Health and Welfare.)

HB 834, relative to allowing members of standing and interim committees mileage for attending meetings. (Tucker of Sullivan Dist. 4; Bradley of Grafton Dist. 5; Webster of Carroll Dist. 5; Roberts of Belknap Dist. 4 — To Statutory Revision.)

HB 835, amending the tax rate of pari-mutuel pools for dog races. (Coutermarsh of Hillsborough Dist. 24; Plourde of Merrimack Dist. 7; Casassa of Rockingham Dist. 12; Dame of Rockingham Dist. 20 — To Ways and Means.)

HB 836, expanding the jurisdiction of the public utility commission to regulate water companies as public utilities, except for municipal water companies. (Rules Committee of: Rep. Hoar of Rockingham Dist. 8 — To Executive Departments and Administration.)

HB 837, establishing the American and Canadian French cultural exchange commission. (Coutermarsh of Hillsborough Dist. 24; Roberts of Belknap Dist. 4 — To Statutory Revision.)

## SENATE MESSAGE

### INTRODUCTION OF SB's and SJR's

SB 95, abolishing the position of assistant bank commissioner. Banks and Insurance.

SB 84, providing compensation for conservation officers injured in line of duty. Fish and Game.

SB 70, relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties. Executive Departments and Administration.

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway. Transportation.

SJR 9, making an appropriation for additional office space for water resources board and state tax commission. Public Works.

SJR 10, making an appropriation for the leasing of Pillsbury St. Building. Public Works.

### COMMITTEE REPORTS

#### HB 315

revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord. Ought to pass with amendment. Rep. Drake for Appropriations.

To correct RSA 505:4 to accomplish the legislative intent when originally passed in 1969, that the women's dormitory at the Concord Technical Institute be self-amortizing.

### AMENDMENT

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 Method of Debt Payment. Amend 1969, 505:4, as amended by 1971, 46:1 by striking out said section and inserting in place thereof the following:

#### 505:4 Women's Dormitory.

I. Payment of the principal, interest, and short-term interest on the technical institute bond for the women's dormitory in Concord for the 1973 fiscal year shall be paid out of the general funds of the state in the amount of seventy-four thousand three hundred fifty dollars.

II. There is hereby created within the office of the comptroller a special fund to be known as the women's dormitory sustenance fund. All income from the men's and women's dormitory facilities at the New Hampshire Technical Institute in Concord shall be paid into such fund from which the comptroller shall pay, commencing in the 1974 fiscal year, all debt service charges on the bond issued for such women's dormitory facilities and all maintenance charges for such women's dormitory facilities, including but not limited to water, heat, electricity, supplies, repairs, custodial services, personnel, fringe benefits for personnel, and other maintenance charges directly related to such women's dormitory facilities. All disbursements from the women's dormitory sustenance fund shall be charged against codes established by the comptroller to insure account-

ability of funds; all revenue, including non-student rental charges, shall be subject to prevailing budget procedures. Per diem fees shall be charged for all non-student occupancy or use of any dormitory facilities.

2 Transfer of Funds. Any monies in the special fund created in the state treasurer's office for the payment of debt service and maintenance on the women's dormitory facilities at the New Hampshire Technical Institute in Concord pursuant to 1969, 505:4, as amended by 1971, 46:1, shall be transferred to the women's dormitory sustenance fund established by 1969, 505:4, II, as amended by 1971, 46:1 and section 1 of this act.

3 Appropriation. The sum of seventy-four thousand three hundred fifty dollars is hereby appropriated to the New Hampshire Technical Institute in Concord for the fiscal year ending June 30, 1973 for the purposes of section 1 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

4 Effective Date. 1969, 505:4, I, as inserted by section 1 of this act, and section 3 of this act, shall take effect upon its passage. 1969, 505:4, II as inserted by section 1 of this act, and section 2 of this act, shall take effect July 1, 1973.

Amendment adopted.

Ordered to third reading.

## HB 697

relating to appeals by hospital service corporations. Ought to pass with amendment. Rep. Bigelow for Banks and Insurance.

Clarifies and updates hospital service corporation statutes.

### AMENDMENT

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. Newell spoke in favor of the bill.



At the request of Rep. Nims, Rep. Bigelow answered questions.

Amendment adopted.

Ordered to third reading.

**HB 699**

relating to investments of hospital service corporations. Ought to pass. Rep. Craig D. Smith for Banks and Insurance.

Clarifies and updates hospital service corporation statutes.

Ordered to third reading.

**HB 573**

creating a New Hampshire state office in Washington, D.C. Inexpedient to legislate. Rep. Duprey for Executive Departments and Administration.

Under present law such an office can be established, so the first part is unnecessary. The committee could see no justification for the second section of the bill which eliminates three jobs in DRED.

Resolution adopted.

**SB 45**

increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal. Ought to pass. Rep. Spirou for Judiciary.

Self-explanatory. Passed unanimously by Senate, also House Judiciary Committee.

Ordered to third reading.

**HB 546**

to establish a state liquor store in the town of Raymond and making an appropriation therefor. Ought to pass with amendment. Rep. Erickson for Liquor Laws.

This bill would permit the state liquor commission to establish a state liquor store in the town of Raymond.

**AMENDMENT**

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. The sum of eighty-two thousand dollars is appropriated for the purposes of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

## HB 656

relative to zoning and land use control of real property. Inexpedient to legislate. Rep. Bednar for Municipal and County Government.

The intent of this bill, to strengthen "local option" in control of land use has merit. However, there are drawbacks in the implementation of the bill. Many municipalities, to take advantage of federal funds and collective know-how and assistance, seek membership in "Regional Planning Commission", which, for the benefit of all members, promulgate rules and regulations relative to control of real property. Additionally, private bodies, within the general framework of local zoning ordinances, publish their covenants and restrictions on land within their boundaries. Enactment of this legislation would negate any benefits in land use control by activities created for that express purpose.

Resolution adopted.

## HB 506

providing for the acquisition of certain dams by the water resources board and making an appropriation therefor. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Viable solution to dam problems by enabling water impoundment districts in the manner of village water, light and sewer districts.

## AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

permitting village districts to be formed for purposes of impounding water.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Impoundment of Water. Amend RSA 52:1, as amended, by inserting in line thirteen after the word "pests" the following (or the impoundment of water), so that said section as amended shall read as follows:

52:1 Establishment. Upon petition of ten or more legal voters, inhabitants of any village situate in one or more towns, the selectmen of such town or towns shall fix, by suitable boundaries, a district including such parts of the town or towns as may seem to them convenient, for any or all of the following purposes: The extinguishment of fires, the lighting or sprinkling of streets, the planting and care for shade and ornamental trees, the supply of water for domestic and fire purposes, the construction and maintenance of sidewalks and main drains or common sewers, the construction, operation and maintenance of sewage and waste treatment plants, the construction, maintenance, and care of parks or commons, the maintenance of activities for recreational promotion, the construction or purchase and maintenance of a municipal lighting plant, the control of pollen, insects and pests or the impoundment of water and the appointing and employing of watchmen and police officers. They shall cause a record of the petition and their doings thereon to be recorded in the records of the towns in which the district is situate.

2 Change of Boundaries. Amend RSA 52:5 by striking out said section and inserting in place thereof the following:

52:5 Changing Boundaries. The selectmen of towns in which any such district has been established upon petition, after notice to parties interested and a hearing, may change the boundaries thereof; and the district shall cause the petition and the return of the selectmen's proceedings and decision thereon to be recorded in the records of the district, and of the towns in which it is situated, within sixty days after the decision. Provided, however, that in case of districts formed for the purpose of impoundment of water, any such change of boundaries shall

be ratified before taking effect in the same manner as in the initial establishment of a district.

3 Meeting Not Necessarily in March. Amend RSA 52:12 by striking out said section and inserting in place thereof the following:

52:12 Annual Meetings. The annual meetings of such district shall be holden in the month of March of each year, and subsequent to the second Tuesday in said month, beginning with the March next succeeding the establishment thereof. However, in the case of a water impoundment district, such annual meeting would be held at another time of the year if so voted at a previous meeting.

4 Water Resources Board Contracted. Amend RSA 52 by inserting after section 24, the following new section:

52:25 Authorized to Contract with Water Resources Board. Any water impoundment district organized pursuant to the provisions of this chapter, is authorized to contract with the water resources board for the construction, operation and maintenance of any dam located therein. Such contract shall provide for payments to the water resources board covering all expenses incurred in connection therewith. In return therefor, the water resources board shall assume all obligations and liabilities resulting from such construction, operation and maintenance. All contracts pursuant to this section shall become effective upon the approval of the governor and council.

5 Effective Date. This act shall take effect sixty days after passage.

At the request of Rep. George B. Roberts, Jr., Rep. Koperl answered questions.

(discussion)

Reps. Roberts and Harry C. Parker spoke to the bill.

Rep. Roberts moved that HB 506 be recommitted to the Committee on Resources, Recreation and Development and subsequently withdrew his motion.

Amendment adopted.

Referred to Appropriations.

**HJR 40**

relative to fencing land adjacent to the Jaffrey Reservoir and making an appropriation therefor. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Committee felt preservation of Jaffrey Reservoir and Mountain Brook would be provided by the bill as amended with adverse effect to none.

**AMENDMENT**

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That the commissioner of resources and economic development provide suitable fencing around the portion of the Jaffrey reservoir within Monadnock state park, said fencing to comprise eight hundred feet on the west side of the Jaffrey river, and six hundred feet on the east side of Mountain brook; and

That the sum of ten thousand dollars is hereby appropriated to the department of resources and economic development for fiscal 1974 to be in addition to any other funds appropriated to the resources and economic development department. The governor is authorized to draw his warrant for the sum herein appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

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Rep. Spirou moved that HB 28, requiring the sale of soft drinks and alcoholic malt beverages in returnable containers, be taken from the table.

Motion lost.

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**OPINION OF THE SUPREME COURT ON HB 704**

*To the House of Representatives:*

The justices of the supreme court return the following



answer to the question relative to House bill 704 submitted by your resolution adopted March 29, 1973, and filed with the court on March 30, 1973. The resolution refers specifically to N. H. Const. pt. II, arts. 99 and 100, and seeks our opinion on the following question: "Would any constitutional provision be violated by the passage of House bill 704 which provides for a nonpartisan ballot to be used for the election of delegates to the constitutional convention in place of an Australian ballot with party designations?"

Article 99 provides in pertinent part that delegates to a constitutional convention, called by the general court as therein provided, are "to be chosen in the same manner, and proportioned, as the representatives to the general court . . ." Paragraph (b) of Article 100 likewise provides that they shall be chosen at the next regular general election following approval by the voters of the holding of a convention, or at such earlier time as the legislature may provide, "in the same manner and proportion as the representatives to the general court are chosen." The language common to both of these articles had its origin in the first permanent constitution of the State which took effect in June 1784. *See* XX State Papers 9, 30 (1891) ; N.H. Const. Conv. Manual 78, 94 (1918) .

House bill 704 would add to RSA ch. 68-A provisions governing the manner of election of delegates. Since existing law governs the "proportion" in which delegates are to be chosen (RSA 68-A:3; RSA 66:3 (Supp. 1972)) your inquiry is restricted in essence to the constitutionality of the "manner" in which delegates would be "chosen" under the House bill in question.

As the analysis which accompanies the bill indicates, it provides for the election of delegates by nonpartisan ballot, rather than by the method by which representatives are now elected. *See* RSA 56:73-98. The latter method is not enshrined in the constitution. Part II, article 13 of the constitution provides as follows: "[Qualifications of Electors.] All persons, qualified to vote in the election of senators, shall be entitled to vote, within the district where they dwell, in the choice of representatives." Part II, article 28 specifies the persons qualified to vote in the election of senators, and part II, article 14 provides that members of the House shall be "chosen by ballot". The constitution contains no provision relating to the nomina-

tion of candidates for the office of representative, and none which prescribes the method by which the choice by ballot shall be exercised.

The first statute to provide for the election of delegates to a constitutional convention, following the effective date of the constitution, reflects the contemporary interpretation of articles 99 and 100. That act, adopted June 16, 1791, was silent upon the manner of nomination of delegates, and provided simply that the selectmen should call together the voters of the several towns, parishes and places or districts in the State, and that after election of a moderator, "then the voters present, qualified as aforesaid, shall elect by ballot one or more delegates, as the case may be, to meet in said convention." 5 Laws of New Hampshire 764. If the action of "Concord Town" which followed is any criterion, examination of the record of its meeting in August 1791, indicates that the nomination of delegates then elected was from the floor of the town meeting. Concord Town Records, 1732-1820 (Concord, 1894).

Additionally it may be noted that the party system of nomination and election evolved in New Hampshire only after 1794, and that the primary system was first enacted in 1909 (Laws 1909, ch. 153), so that there is no reason to assume that present statutory procedures in the election of representatives were in anyway embodied in the constitutional provisions of articles 99 and 100.

We conclude that the answer to your question is governed by part II, article 5 of the constitution, vesting in the legislature "full power and authority . . . to make, ordain and establish, all manner of wholesome and reasonable laws . . . not repugnant or contrary to this constitution . . ." *Opinion of the Justices*, 111 N.H. 197, 297 A.2d 601 (1971). In our opinion the provisions of House bill 704 if enacted, would not violate any constitutional provision with respect to the choice of delegates. Under RSA ch. 68-A as proposed to be amended, delegates would be "chosen in the same manner, and proportioned, as the representatives to the general court". N.H. CONST. pt. II, art. 99. Our answer to your question is therefore "No".

Frank R. Kenison

William A. Grimes

Laurence I. Duncan

Robert F. Griffith

April 24, 1973

Edward J. Lampron

The Speaker called for the Special Order on:

**HB 500**

relative to collective bargaining rights of public employees of political subdivisions. Ought to pass with amendment. Rep. Merrill for Labor, Human Resources and Rehabilitation.

This bill provides a comprehensive labor relations law for all public employees similar to federal laws which govern labor relations with private employers. The committee report was not unanimous.

Rep. George I. Wiggins requested a quorum count and subsequently withdrew his request.

Rep. Wiggins moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Rep. William P. Boucher spoke in favor of the motion.

Reps. Merrill and Coutermarsh spoke against the motion.

**RECESS**

**AFTER RECESS**

Reps. McGlynn, Ineson, Joseph L. Cote and Sanborn spoke against the motion.

(Deputy Speaker in the Chair)

Reps. Seamans, Bednar and Daniell spoke in favor of the motion.

(discussion)

Reps. George B. Roberts, Jr. and Lyons spoke against the motion.

Rep. Belair spoke in favor of the motion.

Reps. Dupont and Lambert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

163 members having voted in the affirmative and 144 in the negative, the motion prevailed.

Rep. Ineson requested a roll call.

Seconded by Reps. D'Allesandro, Harriett W. B. Richardson, Murphy, McDonough, McGlynn and Lynch.

### ROLL CALL

Yeas 177    Nays 158

#### STRAFFORD COUNTY:

Dawson, Canney, Rowell, Bouchard, Tanner, Tibbetts, Thompson, Barbara C., Boisse, Leighton, Bernard, Parnagian, Richardson, Harriett W. B., Pray.

#### SULLIVAN COUNTY:

Barrus, Spaulding, Roma A., Burrows, Lewko, Wiggins, George I., Williamson.

#### BELKNAP COUNTY:

French, Lawton, Matheson, Marsh, Nighswander, Wuelper, Twigg, Hood, Randlett, Maguire, Murray, James W.

#### CARROLL COUNTY:

Howard, Donald K., Conley, Davis, Dorothy W., Claflin, Allen, Webster, T. Anne.

#### CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Ladd, Slicer, Whipple, Dunham, Hackler, Savage, Forcier, Gordon, Anne B., Yardley, Turner, Ames, Heald, Cleon E., Scranton.

#### COOS COUNTY:

Metcalf, Bushey, Kidder, Victor L., Pryor.

#### GRAFTON COUNTY:

Curran, Tilton, Chamberlin, Fimlaid, Clark, Mann., Ezra B., Anderson, Fayne E., Warren, Roger K., Buckman, Harrison, Gemmill, Krainak, Nutt, Duhaime.

#### HILLSBOROUGH COUNTY:

Eaton, Joseph M., Humphrey, Howard S., Withington, Cary, Murray, Fred E., Karnis, Eaton, Clyde S., Heald, Philip C., Colburn, Thomson, Harold E., Fletcher, Knight, Messina, Perkins, Arnold B., Van Loan, Bragdon, Brown, G. Winthrop, Spaulding, Kenneth W., Carter, Coburn, Langdell, Hall, Alu-

konis, Bednar, Nutting, Polak, Smith, Leonard A., Currier, Seamans, McLaughlin, Record, Zechel, Trombly, Desmarais, Lachance, Aubut, Montplaisir, Horan, Bruton, Lynch, Allard, Lesmerises.

MERRIMACK COUNTY:

Thompson, Arthur E., Sherman, Chandler, Jones, Donald P., Parker, Harry C., Deoss, Boucher, Laurent J., Enright, Rice, Gordon, George E., Bartlett, Perkins, John B., Kopperl, Thompson, Doris L., Wiggin, Elmer S., Humphrey, James A., Daniell, Fisher, Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Rich, Wilson, Ralph W.

ROCKINGHAM COUNTY:

King, Stimmell, Benton, Davis, Roy W., Wilson, Helen F., Boucher, William P., Skinner, Soule, Thibeault, George J., Barka, Gay, Gorman, MacGregor, Read, Senter, Belair, Campbell, Lemay, Roy, Vesta M., Spollett, Webster, Clarence L., White, Cummings, Vey, Erler, Goodrich, Hoar, Schwaner, Tavitian, Rogers, Randall, Akerman, Parr, Collishaw, Eastman, Twardus, Simmons, Stevens, Elliot A., Greene, Dame, McEachern, Joseph A., Woods.

NAYS

STRAFFORD COUNTY:

Harvey, Colby, Beckett, Dudley, Plumer, Tirrell, Joncas, Malomian, Chasse, Peter N., Hebert, Meserve, Ineson, Winkley, Donnelly, Kincaid, O'Connor, Roderick H., McManus, Peabody.

SULLIVAN COUNTY:

Towsend, Sara M., Rousseau, Roy, Mary R., Buckley, Brodeur, D'Amante, Scott, Frizzell, Olden.

BELKNAP COUNTY:

Bowler, Roberts, Charles B., Roberts, George B., Hildreth, Pierce, Sabbow.

CARROLL COUNTY:

Cox, Duprey, Chase, Russell C.

CHESHIRE COUNTY:

Stevens, Anthony, Milbank, Helie, Wayne E., Streeter, Close, Nims, Drew.



## COOS COUNTY:

Huggins, Hunt, Burns, Richardson, Mabel L., Oleson, Fortier, Valliere, Desilets, Brungot, Lemire, George, Gagnon, Theriault.

## GRAFTON COUNTY:

Gallen, Jones, Anthony K., Webb, Chambers, Copenhaver, Eaton, Myrl R., Merrill, Townsend, Madeline G.

## HILLSBOROUGH COUNTY:

Mann, Arthur F., Clougherty, Harvell, Carswell, Dwyer, Geiger, Lint, Lyons, Bergeron, Ethier, Cobleigh, Parker, Gerry F., Cote, Margaret S., Winn, John T., Winn, Cecelia L., Char-est, Gabriel, Lefebvre, McGlynn, Migneault, Chasse, Romeo A., Mason, Ouellette, Wilcox, Erickson, Milne, Ackerson, Murphy, Nardi, Smith, Craig D., Spirou, Cote, Joseph L., Shea, Barrett, William F., Dupont, Healy, Daniel J., McDonough, Clancy, Conway, Gardner, Sullivan, Mary J., Champagne, Gelinas, Healy, George T., MacDonald, O'Neil, Dorthea M., Thibeault, P. Robert, Burke, Grady, O'Connor, Timothy K., Vachon, D'Allesandro, Gillmore, Sweeney, Lamy, Lemire, Armand R., Levasseur, Martineau, Bernier, Lambert.

## MERRIMACK COUNTY:

Hanson, Gamache, Cushman, Mattice, Cate, Haller, Andersen, Chris K., Tarr, Underwood, Harriman, Hager.

## ROCKINGHAM COUNTY:

Goff, Elizabeth E., Sayer, Stevens, William J., Tuttle, Sanborn, Simard, Hamel, Smith, Tony, Brown, Benjamin A., Junkins, Page, Sewall, Ellis, Weeks, Hammond, Lockhart, Palfrey, Splaine, Cotton, Call, Connors, Hodgdon, Keefe, McEachern, Paul.

Rep. Tucker abstained from voting under Rule 16.

## PAIRS

Rep. LaRoche voting no; Rep. Preston voting yes.

Rep. Sylvain voting no; Rep. Tripp voting yes.

Rep. David J. Bradley voting no; Rep. E. George Warren voting yes.

and the motion prevailed.

Rep. Coutermarsh wished to be recorded in favor of HB 500.

Rep. Cunningham wished to be recorded against HB 500.

### RECONSIDERATION

Rep. George E. Gordon moved Reconsideration on HB 500.

Rep. Gordon spoke in favor of his motion.

Rep. McDonough spoke against the motion.

Rep. Belair moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

Rep. Joseph L. Cote moved that HB 500 be laid on the table.

The Speaker ruled motion out of order.

Rep. James E. O'Neil explained why Appropriations Committee members were not present when the roll was called on HB 500.

123 members having voted in the affirmative and 202 in the negative, reconsideration lost.

(Speaker in the Chair)

### HB 604

exempting ambulances from being required to pay tolls while on emergency calls. Ought to pass. Rep. Hamel for Transportation.

This would apply ONLY on emergency trips.

Rep. Colby moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Rep. Hamel spoke against the motion.

Rep. Meserve explained the committee report.

(discussion)

Motion lost.

Ordered to third reading.

### ENROLLED BILLS REPORT

SB 19, to further protect the citizens of New Hampshire from unfair and discriminatory practices.

SB 48, relating to times and places of holding regular terms of probate court in Cheshire county.

SB 58, clarifying certain definitions under the charitable trust statutes.

SB 79, appropriating certain funds held in escrow by the department of resources and economic development.

HJR 14, relative to a supplemental appropriation for the board of nursing education and nurse registration.

HB 383, relative to filing a report of catch of fur-bearing animals.

HB 381, relative to the suspension and revocation of the privilege to operate a boat in New Hampshire.

HB 356, relative to abandoning animals.

Maurice W. Read  
*For The Committee*

### ENROLLED BILLS AMENDMENT

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

(Amendment in SJ 24 April)

The clerk read the amendment in full.

Amendment adopted.

### SENATE MESSAGE

#### ADOPTION ENROLLED BILLS AMENDMENT

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

## EXTENSIONS

Rep. Keefe moved that the Portsmouth Delegation be granted a six-day extension on HB 567, relative to the interest rate charged on delinquent taxes in the city of Portsmouth.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 369, increasing the salaries of classified state employees and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 559, relative to compensation of beneficiaries of law enforcement officers killed in the line of duty; and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 445, relative to overtime payment for certain classified state employees with arrest powers and making an appropriation therefor.

Granted.

Rep. Chamberlin moved that the committee on Fish and Game be granted a six-day extension on HB 285, relative to the taking of deer and the open season for deer.

Granted.

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Rep. Joseph M. Eaton moved that all bills not acted upon today be acted upon tomorrow.

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On motion of Rep. George B. Roberts, Jr. the rules of the House were so far suspended as to permit business in order at the late session to be in order at the present time, that third reading of bills be by title only, and that when the House adjourns today, it be to meet tomorrow at 11:00 a.m. for consent calendar and 1:00 p.m. for regular calendar.

## LATE SESSION

## Third reading and final passage

HB 699, relating to investments of hospital service corporations.

HB 697, relating to appeals by hospital service corporations.

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord.

SB 45, increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal.

HB 604, exempting ambulances from being required to pay tolls while on emergency calls.

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On motion of Rep. Joseph M. Eaton the House adjourned at 5:30 p.m.

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*Wednesday, 25Apr73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord our God,** You nourish and sustain the world from day to day and wherever we go You are present more fully than we dare presume. We thank You for this presence here and now. We believe in it and live from You as we live from the bread You give us. Amen.

We pray also for Your servants, L. A. Nettleton, former Representative and Walt Laroche, brother of Paul Laroche. You have commanded them to leave this world, give them a place in the land of light and peace and bid that they be made companions of Your Saints. Through Christ our Lord. Amen.



## PLEDGE OF ALLEGIANCE

Rep. Hackler led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Hall and Cate, the day, illness.

Reps. Meserve, John H. Perkins and Migneault, the day, important business.

Reps. Harrison and Tucker, today and tomorrow, important business.

## RESOLUTION

Rep. Merrill offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 838 through 848 and House Joint Resolution number 45 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's &amp; HJR

First, second reading & referral

HB 838, amending the charter of the city of Manchester to provide for a four year term for the city clerk. (Spirou of Hillsborough Dist. 27 — To Special Committee on Manchester Delegation.)

HB 839, relative to unemployment compensation during and after pregnancy. (Spirou of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 840, relative to taxation of electrical generating plants. (Cate of Merrimack Dist. 14 — To Ways and Means.)

HB 841, relative to unemployment compensation appeal procedure. (Spirou of Hillsborough Dist. 27 — To Judiciary.)

HB 842, permitting permanently disabled veterans to have a perpetual hunting and fishing license. (Conley of Carroll Dist. 3 — To Fish and Game.)

HB 843, establishing a postsecondary education commission to absorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission. (Lockhart of Rockingham Dist. 17 — To Education.)

HB 844, relative to the practice of architecture. (Harvell of Hillsborough Dist. 9 — To Statutory Revision.)

HB 845, relative to bank holding companies. (Milne of Hillsborough Dist. 25 — To Banks and Insurance.)

HB 846, relative to the time of school district meetings in cooperative school districts. (Rules Committee for: Rep. Haller of Merrimack Dist. 14 — To Education.)

HB 847, permitting the employment of inmates of houses of correction at municipally owned recreational facilities. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 848, regulating mobile home and recreational camping parks. (Whipple of Cheshire Dist. 4 — To Municipal and County Government.)

HJR 45, extending the special committee to study the effectiveness of the laws relating to access to and use of public buildings by the physically handicapped. (Conley of Carroll Dist. 3 — To Public Health and Welfare.)

## SENATE MESSAGE

### CONCURRENCE

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company and changing the notice requirements when the charter is amended.

HB 564, relative to annual meetings of credit unions.

HB 323, relative to the right to know law.

HB 325, relative to games of beano.

HB 342, relative to liability for support for relatives.

HB 446, relative to support of relatives.

HB 95, requiring distribution of a list of family planning

agencies and services available in New Hampshire with the issuance of every marriage license.

### VACATES

Rep. Frizzell moved that the House vacate the reference of HB 644, relative to the holder in due course doctrine to the committee on Judiciary and re-refer said bill to the committee on Banks and Insurance.

Adopted.

Rep. McLane moved that the House vacate the reference of HB 826, relative to the repeal of the section excepting the office of employment security from the operation of RSA 91-A, to the committee on Executive Departments and Administration and re-refer said bill to the committee on Judiciary.

Adopted.

### EXTENSIONS

Rep. Merrill moved that the committee on Labor, Human Resources and Rehabilitation be granted a six-day extension on HB 584, requiring municipalities to provide unemployment compensation for all permanent employees.

Granted.

Rep. Merrill moved that the committee on Labor, Human Resources and Rehabilitation be granted a six-day extension on HB 558, to foster the establishment of management-employee relations in state employment.

Granted.

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 596, providing for regulation of franchise agreements for the sale of gasoline.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 418, providing additional cost of living retirement al-

lowances for certain state employees and making an appropriation therefor.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 144, relative to the inclusion of police employees in the New Hampshire Retirement system.

Granted.

## COMMITTEE REPORTS

### HB 675

relative to mechanics liens and construction mortgages. Refer to Standing Committee on Banks and Insurance for interim study. Rep. Milne for Banks and Insurance.

This bill needs extensive study to clear up a very cloudy situation.

Committee report adopted.

### HB 652

to expand and encourage the use of voluntary arbitration of disputes in superior court. Ought to pass. Rep. McManus for Judiciary.

Provides arbitration by one person paid by the court, choice of having two additional paid by the parties involved. No limit on amount in claims. Judicial Council recommended this amendment to RSA 542 instead of the compulsory arbitration bill referred by the 1971 session for study.

Ordered to third reading.

### SB 30

requiring the separate listing of homestead residence property. Lay on table. Rep. Benton for Municipal and County Government.

Material in SB 30 has been incorporated by senate amendment into HB 349. Committee of conference has been named on HB 349.

Laid on table.

**HB 551**

providing additional funding for food programs for the elderly in Hillsborough county. Inexpedient to legislate. Rep. Elizabeth E. Goff for Public Health and Welfare.

The committee approves of the concept of food programs for the elderly but also believes this kind of funding should be requested through each county delegation.

Resolution adopted.

**HB 591**

amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two-year terms. Ought to pass. Rep. Barbara C. Thompson for Rochester Delegation.

This bill would amend the Rochester city charter to provide that the city council and the school board shall be composed of fifteen elected members each. Each ward would elect three members of the city council and the school board for two-year terms. The school board would actually be composed of sixteen members, because the mayor serves as a member and chairman of said board.

Ordered to third reading.

Rep. Barbara C. Thompson wished to be recorded against HB 591.

**RECESS****AFTER RECESS****EXTENSIONS**

Rep. Spollett moved that the committee on Interstate Cooperation be granted a six-day extension on HB 320, adopting daylight savings time as the official time of the state of New Hampshire from this time forward.

Granted.

Rep. George B. Roberts, Jr. moved that the Belknap County Delegation be granted a six-day extension on HB 642, chang-



ing the name of the Belknap County Recreational Area and Commission and limiting the terms of its members.

Granted.

### COMMITTEE REPORTS CONTINUED

#### HB 698

relating to the contingency reserve of hospital services corporations. Majority: Ought to pass; Rep. Bigelow for Banks and Insurance. Minority: Inexpedient to legislate. (Rep. Nims and Helie)

Majority: Establishes a contingency fund for hospital service corporations.

Minority: Raises rate as much as 25%.

Rep. Nims moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass.

Reps. Daniell, Joseph L. Cote and Dwyer spoke in favor of the motion.

Rep. Bigelow spoke against the motion.

At the request of Rep. Streeter, Rep. Nims answered questions.

(discussion)

Reps. McManus, Craig D. Smith and Bednar spoke in favor of the motion.

Adopted.

### PERSONAL PRIVILEGE

Rep. Lawton rose on a point of personal privilege.

Rep. Bednar moved that the remarks of Rep. Lawton be printed in the journal.

Mr. Speaker, thank you. I rise, somewhat reluctantly, I say reluctantly because I hate to waste even two or three minutes of the members' time knowing our busy schedule, to answer an editorial that appeared in the Manchester Union Leader last Saturday. This editorial was signed by William Loeb and dealt

with the five foster children, a situation which we have in Manchester and of which I am sure we are all familiar.

I certainly agreed with the points in the editorial until I got to the part in the editorial, a paragraph which was in heavy black print highlighted and read as follows: "Even after this matter was brought to the attention of the public by this newspaper, the black man, who incredibly serves as Commissioner of Public Welfare in New Hampshire, angrily told a meeting of the Concord Rotarians that he planned to go ahead anyway with the transfer of the children to an orphanage." This racial slur on the Director of the Division of Welfare was improper and completely uncalled for. In fact, in my opinion, it distorted the whole issue. The fact that Mr. Hooker is a black man has nothing whatsoever to do with whether he was right or wrong in the decision he made to remove these children from their foster home; and I would mention that I did read in the paper today that the Division has decided that they will not remove those children from the foster home of which I am very pleased. I personally resent this racial slur by Mr. Loeb because it misrepresents my position and I think the position of all the other conservatives in this state.

I wish to thank the speaker for allowing me these few minutes to point out to the members the false impression that Mr. Loeb's editorial may have left with the citizens of this state regarding the opposition to the Welfare Department's decision to remove these five children from their foster parents' home. Thank you.

## COMMITTEE REPORTS CONTINUED

### HCR 12

to propose an amendment to the Constitution of the United States relative to an individual's right of life, liberty or property commencing at the moment of conception. Inexpedient to legislate. Rep. Haller for Constitutional Revision.

The reasons for the committee report are:

1. It is very doubtful if HCR 12 would accomplish what its sponsor wishes.
2. The legal complications which would result are immense.

3. There has been introduced into the Congress a constitutional amendment which would much more effectively achieve the intent of the sponsor.

Rep. Harvell explained the committee report.

(discussion)

Rep. Beaulieu moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Motion lost.

Resolution adopted.

### **CACR 31**

relating to the tenure of superior court justices. Providing that superior court justices shall serve five year terms. Inexpedient to legislate. Rep. Gardner for Constitutional Revision.

The state of New Hampshire has one of the highest standings in the nation and the committee feels there is no reason to make a change.

Resolution adopted.

### **HB 572**

establishing a program providing for State Educational Opportunity Grants. Majority: Inexpedient to legislate; Rep. Scranton for Education. Minority: Refer to joint committee on Education for interim study (Reps. Hager, D'Allesandro, Webb and Chambers)

Majority: While this bill has merit and would help the needy children in our state get a higher education, we are aware that the Business Profits Tax is being used to capacity and could easily be repealed leaving the program unfunded. In the future if special revenue sharing is available, this could be used to fund such a bill.

Minority: The minority feels that this bill has substantial merit. However, because of its complexity we would like to see it sent to interim study.

Rep. D'Allesandro moved that the report of the minority, refer to joint committee on Education for interim study, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Reps. French, Read and Gerry F. Parker spoke against the motion.

Rep. Webb spoke in favor of the motion.

Motion lost.

Resolution adopted.

### SUSPENSION OF RULES

Rep. Gillmore moved that the rules of the house be so far suspended as to permit the introduction of a House Concurrent Resolution not previously advertised in the calendar, dispense with printing, committee reference, and that it be placed on third reading at the present time.

### HOUSE CONCURRENT RESOLUTION NO. 16

Reps. Joseph L. Cote, Dudley, Gardner, Gillmore, D'Allesandro, Lawton, and Tirrell offered the following:

Congratulating the University of New Hampshire on the  
occasion of its fiftieth anniversary.

*Whereas*, The University of New Hampshire was established by the New Hampshire Legislature fifty years ago this week; and

*Whereas*, The University has continued to follow faithfully the precepts set for its predecessor, the New Hampshire College of Agriculture and the Mechanic Arts, under the Land Grant Act; and

*Whereas*, The University provides educational services, research facilities, and practical counsel and training to the benefit of our entire state community;

*Now Therefore Be It Resolved* by the House of Representatives, the Senate concurring:

That the New Hampshire House of Representatives and Senate record themselves as offering congratulations to the University of New Hampshire on the occasion of its fiftieth anniversary, and best wishes for its continued success.

The clerk read the resolution in full.

Rep. Gillmore explained the resolution.

Rep. Horan spoke against the motion.

Rep. Milne spoke in favor of the motion.

Adopted by the necessary two-thirds.

Ordered to third reading.

Third reading and final passage

HCR 16, congratulating the University of New Hampshire on the occasion of its fiftieth anniversary.

### COMMITTEE REPORTS CONTINUED

#### **HB 115**

relative to the notification of certain members of the general court prior to the adoption of any regulations by state agencies. Inexpedient to legislate. Rep. Sara M. Townsend for Executive Departments and Administration.

Covered by other legislation.

Resolution adopted.

#### **HB 494**

establishing a state agency investigating committee to examine the rules and regulations of state agencies and making an appropriation therefor. Inexpedient to legislate. Rep. Sara M. Townsend for Executive Departments and Administration.

Covered by other legislation.

Resolution adopted.

#### **HB 503**

establishing an administrative procedures act and making an appropriation therefor. Ought to pass with amendment. Rep. Sara M. Townsend for Executive Departments and Administration.

The amended bill contains recommendations of the Judicial Council as stated in the 1973 Biennial Report, and incorporates certain key sections of HB 2, 115 and 494.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:



1 New Chapter. Amend RSA by inserting after chapter 541 the following new chapter:

### Chapter 541-A

#### Administrative Procedure Act

541-A:1 Definitions. As used in this chapter the following words and phrases shall have the following meanings:

I. "Agency" shall mean each state board, commission, department, institution, officer, or any other state official or group, other than the legislature or the courts, authorized by law to make rules or to determine contested cases.

II. "Party" shall mean each person or agency named or admitted as a party, or properly seeking and entitled as a right to be admitted as a party.

III. "Person" shall mean any individual, partnership, corporation, association, governmental subdivision or public or private organization of any character other than an agency.

IV. "Rule" shall mean each agency statement of general applicability that implements, interprets or prescribes law or policy, or describes the organization, procedure or practice requirements of any agency. The term includes the amendment or repeal of a prior rule but does not include (a) statements concerning only the internal management of an agency and not affecting private rights or procedures available to the public, (b) declaratory rulings issued pursuant to RSA 541-A:8, or (c) intra-agency memoranda.

541-A:2 Public Information; Adoption of Rules; Availability of Rules and Orders.

I. In addition to other rule-making requirements imposed by law, each agency shall:

(a) adopt as a rule a description of its organization, stating the general course and method of its operations and the methods whereby the public may obtain information or make submissions or requests;

(b) adopt rules of practice setting forth the nature and requirement of all formal and informal procedures available, including a description of all forms and instructions used by the agency;

(c) file with the director of legislative services in accordance with this chapter all rules and all other written statements of policy or interpretations formulated, adopted or used by the agency in the discharge of its functions;

(d) file with the director of legislative services all declaratory rulings issued under RSA 541-A:8

II. No agency rule is valid or effective against any person or party, nor may it be invoked by the agency for any purpose, until it has been filed as herein required. This provision is not applicable in favor of any person or party who has actual knowledge thereof.

#### 541-A:3 Procedure for Adoption of Rules.

I. Prior to the adoption, amendment or repeal of any rule, the agency shall:

(a) give at least twenty days' notice of its intended action. The notice shall include a statement of either the terms or substance of the intended action or a description of the subjects and issues involved, and the time when, the place where and the manner in which interested person may present their views thereon. The notice shall be mailed to all persons who have made timely request of the agency for advance notice of its rule-making proceedings and shall be published in a newspaper of general daily statewide circulation, provided, however, that publication may be omitted in the case of any notice the publication of which would in the judgment of the attorney general be unduly cumbersome or expensive, or otherwise inexpedient. The notice shall also be sent by registered mail to the chairman of the legislative committee having jurisdiction over the subject matter;

(b) afford all interested persons reasonable opportunity to submit data, views or arguments, orally or in writing in accordance with the terms of the notice given as above. Opportunity for oral hearing must be granted if requested in writing at least five days prior to the hearing date by twenty-five persons, by a governmental subdivision or agency, or by an association having not less than twenty-five members. The agency shall consider fully all written and oral submissions respecting the proposed rule. Upon adoption of a rule, the agency, if requested to do so in writing by an interested person either prior to adop-

tion or within thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, incorporating therein its reasons for overruling the considerations urged against its adoption.

II. If an agency finds that an imminent peril to the public health, safety or welfare requires adoption of a rule in fewer than twenty days' notice and states in writing its reasons for that finding, it may proceed without prior notice or hearings or upon any abbreviated notice and hearing that it finds practicable, to adopt an emergency rule. The rule may be effective for a period of not longer than one hundred twenty days but the adoption of an identical rule under the provisions of paragraph I is not precluded.

III. No rule hereafter adopted is valid unless adopted in substantial compliance with this section. A proceeding to contest any rule on the ground of noncompliance with the procedural requirements of this section must be commenced within one year from the effective date of the rule.

#### 541-A:4 Filing and Taking Effect of Rules.

I. Each agency shall file in the office of the director of legislative services a certified copy of each rule adopted or issued by it, including all rules existing on the effective date of this chapter. However, any rules filed before that date need not be filed again. The director of legislative services shall keep a permanent register of the rules open to public inspection.

II. Each rule adopted after the effective date of this chapter shall be effective twenty days after filing except that

(a) if a later date is required by statute or specified in the rule, the later date is the effective date;

(b) subject to applicable constitutional or statutory provisions, an emergency rule becomes effective immediately upon filing with the director of legislative services, or at a stated date less than twenty days thereafter, if the agency finds that this effective date is necessary because of imminent peril to the public health, safety or welfare. The agency's finding and a brief statement of the reasons therefor shall be filed with the rule. The agency shall take appropriate measures to make emergency rules known to the persons who may be affected by them.

#### 541-A:5 Publication of Rules.

I. The director of legislative services shall compile, index, and publish in looseleaf form all effective rules adopted by each agency. Compilations shall be supplemented or revised as often as necessary, and the director of legislative services may publish the supplemented or revised compilation as often as necessary.

II. The director of legislative services may omit from the compilation any rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the rule in printed or processed form is made available on application to the adopting agency, and if the compilation contains a notice stating the general subject matter of the omitted rule and stating how a copy thereof may be obtained.

III. Compilations shall be made available upon request to agencies and officials of this state free of charge and to other persons at prices fixed by the director of legislative services to cover mailing and publication costs.

541-A:6 Petition for Adoption of Rules. An interested person may petition an agency requesting the promulgation, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, consideration, and disposition. Within thirty days after submission of a petition, the agency either shall deny the petition in writing, stating its reasons for the denials, or shall initiate rule-making proceedings in accordance with RSA 541-A:3.

541-A:7 Declaratory Judgment on Validity or Applicability of Rules. The validity or applicability of a rule may be determined in an action for declaratory judgment in the Merrimack county superior court if it is alleged that the rule, or its threatened application, interferes with or impairs, or threatens to interfere with or impair, the legal rights or privileges of the plaintiff. The agency shall be made a party to the action. A declaratory judgment may be rendered whether or not the plaintiff has requested the agency to pass upon the validity or applicability of the rule in question.

541-A:8 Declaratory Rulings by Agencies. Each agency shall provide by rule for the filing and prompt disposition of petitions for declaratory rulings as to the applicability of any statutory provision or of any rule or order of the agency. Rulings disposing of petitions have the same status as agency decisions or orders in contested cases.

541-A:9 Effect of Prior Law. After the adoption of this chapter, its provisions shall govern all agency rule-making procedures, hearings thereon and appeals therefrom, except in the cases of any agencies specifically exempted by this chapter, and any and all conflicts between the provisions of this chapter and those of prior or existing statutes shall be construed in favor of the provisions of this chapter.

2 Notice to Agencies. Upon the adoption of this act, the director of legislative services shall send a copy of the act to the affected agencies and request their compliance with the act by the effective date of this act.

3 Appropriation. The sum of twelve thousand seventy-one dollars is appropriated for the 1974 fiscal year and the sum of twelve thousand one hundred nine dollars is appropriated for the 1975 fiscal year to the director of legislative services in addition to any other sums appropriated to said office in order to implement the administrative procedures act as inserted by section 1 of this act. Said appropriation to be expended as follows:

	FY 1974	FY 1975
Permanent personal services:		
2 clerk stenographer II	10,348	10,786
	<hr/>	<hr/>
Total	10,348	10,786
Other personal services		
benefits	973	973
	<hr/>	<hr/>
Total	973	973
Equipment:		
typewriter	235	235
filing cabinets	515	115
	<hr/>	<hr/>
Total	750	350
	<hr/>	<hr/>
Grand Total	12,071	12,109

The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Filing of Existing Rules. Notwithstanding the effective



date of RSA 541-A as inserted by section 1 of this act, the filing of rules existing on the effective date of this act under RSA 541-A:4 I, is not required to be completed until January 1, 1974, but filing of such rules shall be commenced as soon as possible after the effective date of this act. Any rule existing on the effective date of this act which is not filed with the director of legislative services by January 1, 1974 has no force or effect after January 1, 1974.

5 Compilation of Rules by Director of Legislative Services. Notwithstanding the effective date of RSA 541-A as inserted by section 1 of this act, the director of legislative services is not required to complete the original compilation of rules required under RSA 541-A:5 until July 1, 1974.

6 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

## HJR 32

establishing an interim study committee to study an administrative procedure act and draft a legislative proposal and making an appropriation therefor. Ought to pass with amendment. Rep. Cobleigh for Executive Departments and Administration.

The amended resolution follows the recommendations of the Judicial Council Biennial Report, 1973.

## AMENDMENT

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

An interim study committee is established to study the need, form and content of an administrative procedure act or amendments to any administrative procedure act passed by the 1973 session of the general court and draft a legislative proposal for the same. The committee consists of nine members, three of whom shall be from the public and appointed by the governor. The remaining six members are the chairman of the house judiciary committee, the chairman of the senate judiciary committee, the attorney general or his designee, the director of

legislative services or his designee, the president of the New Hampshire Bar Association or his designee and the chairman of the judicial council or his designee. The attorney general or his designee is designated as chairman of the committee, and he shall call the organizational meeting of the committee no later than September 1, 1973. The committee shall conduct hearings and studies necessary to determine the need, feasibility and form for an administrative procedure act or amendments thereto in this state. The committee may consult with officials of other states to ascertain what their experience has been in operating under an administrative procedure act. The committee shall issue a report and a draft of any legislative proposal resulting from its work by January 15, 1975. Members of the committee are not entitled to a salary, but are entitled to be reimbursed for expenses incurred in performance of their duties. The sum of twenty-five hundred dollars is appropriated for the purposes of this resolution. The governor is authorized to draw his warrant for this appropriation out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

#### **HB 566**

prohibiting the unauthorized copying of certain recorded devices for sale. Ought to pass with amendment. Rep. Buckley for Judiciary.

The bill as amended prohibits the manufacture and sale of pirated or counterfeit records and provides civil remedies for violation rather than criminal penalties as originally provided.

#### **AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after 352 the following new chapter:

#### **Chapter 352-A**

#### **Copying of Recorded Devices**

352-A:1 Definitions. As used in this chapter:

I. "Owner" means the person who owns the master phonograph record, master disc, master tape, master film or other device used for reproducing recorded sounds on phonograph records, discs, tapes, films or other articles on which sound is recorded and from which the transferred sounds are directly or indirectly derived.

352-A:2 Acts Prohibited. It shall be unlawful for any person to:

I. Knowingly transfer or cause to be transferred, directly or indirectly by any means, any sounds recorded on a phonograph record, disc, wire, tape, film or other article on which sounds are recorded, with the intent to sell or cause to be sold, or to be used for profit through public performance, such article on which sounds are so transferred, without consent of the owner; or

II. Manufacture, distribute, wholesale, retail, or possess for such purpose, any article with the knowledge that the sounds are so transferred, without consent of the owner.

III. This section does not apply to any person engaged in radio or television broadcasting who transfers, or causes to be transferred, any such sounds intended for, or in connection with, broadcast or telecast transmissions or related uses, or for archival purposes.

352-A:3 Identification Required. Every recorded device sold or transferred or possessed for the purpose of sale by any manufacturer, distributor, wholesale or retail merchant shall contain on its packaging the name and address of the manufacturer; provided, however, that the term "manufacturer" shall not include the manufacturer of the cartridge or casing itself, or the physical medium used on which to make the recording.

352-A:4 Remedies.

I. Any owner of a recorded device shall have a cause of action in superior court for all damages resulting from any activity prohibited hereunder, including actual, compensatory, and incidental, such total damages to be not less than three times the amount of his total cost of manufacturing and marketing the recorded device.

II. Any owner of a recorded device, in addition to a cause of action for damages under 352-A:4 (I), may proceed by suit

to enjoin any activity prohibited hereunder and all courts of competent jurisdiction may grant preliminary and final injunctions to restrain violations of this chapter and may also order that any non-conforming recorded devices in the possession or under the control of any defendant in such case be delivered to an officer of the court to be distributed to charitable institutions.

2 Effective Date. This act shall take effect November 1, 1973.

At the request of Rep. Lawton, Rep. Buckley answered questions.

(discussion)

Rep. Lawton moved that HB 566 be recommitted to the committee on Judiciary and spoke in favor of the motion.

Rep. Frizzell explained the committee report.

Motion lost.

Amendment adopted.

Ordered to third reading.

## HB 470

establishing a New Hampshire Housing Commission; and making an appropriation therefor. Ought to pass. Rep. Gallen for Executive Departments and Administration.

By unanimous vote, the committee recognized the dire need for this legislation. The State Housing Commission once established is controlled at the local level by vote of town.

Rep. Chandler moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

(Rep. Spirou in the Chair)

(discussion)

Reps. Gallen, Duprey, Sara E. Townsend, Harvell, Nighswander, Clougherty, Hackler, Daniell, George B. Roberts, Jr., Gerry F. Parker and Coutermarsh spoke against the motion.

Reps. George E. Gordon and Horan spoke in favor of the motion.

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Rep. Curran offered an amendment.

The clerk read the amendment in full.

Rep. Curran spoke in favor of his amendment.

Reps. Spirou, Zachos and Coutermarsh spoke against the Curran amendment.

Curran amendment lost.

Referred to Appropriations.

#### **HB 511**

providing for the planning and design of the proposed state park at Pontook on the Androscoggin River in Dummer. Ought to pass. Rep. Claffin for Resources, Recreation and Development.

This bill provides authorization to the department of resources and economic development to design and prepare contracts for a proposed new state park at Pontook on the Androscoggin River in Dummer, N. H.

Referred to Appropriations.

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Rep. McLane moved that HB 2, relative to filing of rules by state administrative agencies, be taken off the table.

Adopted.

Rep. McLane moved that HB 2 be reported inexpedient to legislate.

Resolution adopted.

#### **HB 526**

to establish community winter resource areas and making



an appropriation therefor. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Balance between small and large communities not made clear at time of hearing.

Rep. Ezra B. Mann moved that HB 526 be recommitted to the committee on Resources, Recreation and Development.

Rep. Claflin spoke in favor of the motion.

Adopted.

### **HB 538**

to authorize the water resources board to acquire the dam and water rights on Johnson Mill Dam in Andover; and making an appropriation therefor. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Matter is covered by pending water impoundment district legislation.

Rep. James A. Humphrey spoke against the committee report.

Rep. Kopperl explained the committee report.

Rep. George B. Roberts, Jr. spoke against the committee report.

Rep. Claflin moved that HB 538 be laid on the table.

Laid on table.

### **HB 543**

providing for the acquisition of certain dams on the Con-toocook River by the water resources board. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Matter is covered by pending water impoundment district legislation.

Rep. Foster spoke against the committee report.

Rep. Claflin moved that HB 543 be laid on the table.

Laid on table.

### **HJR 37**

providing for 1975 World Cup Championship at Cannon

mountain. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

This skiing event will be held at Franconia Notch State Park in March of 1975, and will be a part of the preparation for the 1976 Olympics.

Referred to Appropriations.

### RESOLUTION

Reps. Zachos and Coutermarsh offered the following:

*Resolved*, that any requests for drafting by a member of the House for which sufficient information has not been supplied so that a draft can be made, be placed in the dead file unless such information is supplied to the Office of Legislative Services by Tuesday, May 1, 1973.

The clerk read the resolution in full.

Adopted.

### ENROLLED BILLS REPORT

HB 124, to reclassify a certain section of highway in the town of Jaffrey.

HB 338, authorizing cities and towns to make payment of relocation assistance.

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

Mabel L. Richardson  
*For The Committee*

### ENROLLED BILLS AMENDMENT

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

### AMENDMENT

Amend the title of HB 292 by striking out the same and inserting in place thereof the following:

## An Act

providing for protection of persons engaged in scuba diving on the inland waters of the state.

The clerk read the amendment in full.

Adopted.

## SENATE MESSAGE

## ADOPTION ENROLLED BILLS AMENDMENT

HB 292, providing for the protection at the surface of persons diving in waters with the aid of mechanical apparatus.

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Reps. Zachos and Spirou moved that the remaining bills not acted upon today be made a Special Order for tomorrow.

Adopted.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only, and when the House adjourns, it adjourn to meet tomorrow at 11:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 652, to expand and encourage the use of voluntary arbitration of disputes in superior court.

HB 591, amending the Rochester city charter by increasing the size of the city council and the school board from twelve to fifteen elected members each, and providing for the election of three members each from each ward for two-year terms.

HB 566, prohibiting the unauthorized copying of certain recorded devices for sale.

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On motion of Rep. Ladd the House adjourned at 4:53 p.m.

*Thursday, 26Apr73*

The House met at 11:00 o'clock.

(Rep. George B. Roberts, Jr. in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**Lord God**, in the days of His mortal life, Your Son bore our frailties but in His anxiety He prayed to You and You heard Him. Help us in our weakness so that we too may always cling to You whatever happens to us, to You, the God of our life. Amen.

#### PLEDGE OF ALLEGIANCE

Rep. Hood led the Pledge of Allegiance.

#### LEAVES OF ABSENCE

Reps. Frizzell, MacDonald, Langdell, Krainak, Stimmell, Zachos and Zechel, the day, important business.

Rep. Laurent J. Boucher and Skinner, the day, illness.

#### RESOLUTION

Rep. Joseph L. Eaton offered the following:

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 849 through 867 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 849, relative to identification for all service-type employees. (Heald of Cheshire Dist. 14 — To Statutory Revision.)

HB 850, relative to increasing the fees for beer permits and liquor licenses. (Enright of Merrimack Dist. 6 — To Ways and Means.)

HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies. (Williamson of Sullivan Dist. 9 — To Municipal and County Government.)

HB 852, relative to transfers of functions from local units of government to other units of governments. (Pryor of Coos Dist. 7 — To Municipal and County Government.)

HB 853, relative to the business profits tax deduction for personal services. (Wiggins of Sullivan Dist. 8 — To Ways and Means.)

HB 854, relative to the duty of county treasurers. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 855, delineating the duties of the clerk of the board of county commissioners. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 856, requiring the reporting of drownings and boating accidents upon New Hampshire waters. (Humphrey of Merrimack Dist. 11 — To Statutory Revision.)

HB 857, permitting public employees to enter into a deferred compensation plan and authorizing the purchase of insurance and annuity contracts. (Jones of Grafton Dist. 8 — To Executive Departments and Administration.)

HB 858, relative to the maintenance and protection of unused covered wooden bridges. (Williamson of Sullivan Dist. 9 — To Public Works.)

HB 859, legalizing the annual town meeting of the town of Wolfeboro. (Rules Committee for: Rep. Chase of Carroll Dist. 4 — To Municipal and County Government.)

HB 860, relative to the membership of the New Hampshire State Port Authority. (Maynard of Rockingham Dist. 18 — To Executive Departments and Administration.)

HB 861, relating to limited partnerships. (Milne of Hillsborough Dist. 25 — To Judiciary.)

HB 862, eliminating protective labor legislation for women and providing for unemployment benefits to persons refusing to



work the third shift for good cause. (Pierce of Belknap Dist. 7 — To Labor, Human Resources and Rehabilitation.)

HB 863, authorizing the Hooksett school district to establish its own supervisory union. (Enright of Merrimack Dist. 6; Rice of Merrimack Dist. 6; Boucher of Merrimack Dist. 6 — To Education.)

HB 864, providing for turnkey type contracts in the construction of sewage and other pollution control facilities. (Curran of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 865, providing for certain motor vehicle privileges free to permanent and totally disabled veterans. (McDonough of Hillsborough Dist. 29; Lawton of Belknap Dist. 1; Coutermarsh of Hillsborough Dist. 24; Gay of Rockingham Dist. 4 — To Claims, Military and Veterans Affairs.)

HB 866, allowing local wineries to sell wine directly to the consumer at the winery. (Belair of Rockingham Dist. 5 — To Liquor Laws.)

HB 867, amending the charter of the city of Manchester changing the title of the commissioner of welfare to director of human services, providing for his appointment instead of election, and requiring that he have certain educational and experience qualifications. (Spirou of Hillsborough Dist. 27; D'Allesandro of Hillsborough Dist. 34; Lynch of Hillsborough Dist. 34; Sweeney of Hillsborough Dist. 34 — To Special Committee on Manchester Delegation.)

## SENATE MESSAGES

### CONCURRENCE

HB 441, relative to the inspection of homes for neglected children and adoption procedures.

HB 385, relative to changing the name of the Association of New Hampshire Assessors.

## ACCEDED REQUEST FOR COMMITTEE OF CONFERENCE

HB 270, relative to county elections and vacancies of county offices.

The President appointed Sens. Jacobson, Poulsen, Preston, Sanborn and Foley.

## COMMITTEE REPORTS

### HB 224

to reclassify a certain section of highway in the town of Orange. Ought to pass. Rep. Drake for Appropriations.

Reclassifies a certain section of highway in Orange from Class II to Class V.

Ordered to third reading.

### HB 718

relative to real estate investments by cooperative banks, building and loan associations and savings and loan associations. Inexpedient to legislate. Rep. Burns for Banks and Insurance.

Committee felt if this bill passed banks would be in competition with their depositors.

Resolution adopted.

### HB 726

to require all accident and health insurance policies issued in the state to be without exclusions. Inexpedient to legislate. Rep. Dupont for Banks and Insurance.

Would hurt consumer by making accident and health insurance less available and perhaps not available in New Hampshire except at prohibitive rates.

Resolution adopted.

### HB 508

creating centralized land acquisition procedures and establishing a natural heritage conservation fund and making an appropriation therefor. Ought to pass with amendment. Rep. Greene for Environment and Agriculture.

This bill has been amended to exempt state agency land purchases from council approval, unless natural heritage conservation funds are being utilized. Land purchase has been broadened to include "rights and interest."

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Centralized Land Acquisition and Natural Heritage Conservation Fund. Amend RSA 162-C by inserting after section 2 the following new subdivision:

## Centralized Land Acquisition

162-C:2-a Land Acquisition Policy. In addition to the duties of the council provided in RSA 162-C:2, the council shall act as an advisory group to study all proposals by state agencies to acquire rights and interests in land using the natural heritage conservation fund. The council shall review the policy of the state on land acquisition and shall examine the effects such acquisition has on local tax burdens. The council shall also examine the potential uses for all lands acquired or to be acquired by the state using said fund to insure that maximum benefit is derived from land with multiple use characteristics. The council shall establish a priority schedule which outlines the relative importance of each proposed acquisition so that critically needed lands are acquired as soon as funds become available.

162-C:2-b Procedure for Land Acquisition. Each proposal to acquire rights and interests in land by a state agency shall first be submitted to the division of resources development, department of resources and economic development, for evaluation and preparation. Said division shall then present the proposal to the council for consideration, approval and the assignment of a priority. The council shall recommend those proposals which receive the highest priority to the governor and council for immediate acquisition of rights and interests in land or for the acquisition of options to buy such rights. The governor with the advice and consent of the council is authorized to acquire rights and interests in land or options to buy such rights through funds available from any source, including the natural heritage conservation fund as provided in RSA 162-C:2-c. The council shall make a report to the general court of its determination of land acquisition priorities and shall recommend the acquisition of those high priority parcels which have been optioned to the state with the approval of the governor and council.

162-C:2-c Natural Heritage Conservation Fund. There is hereby established within the department of resources and economic development a fund to be known as the natural heritage conservation fund, which shall be kept separate and distinct from all other funds appropriated to such department. The natural heritage conservation fund shall be the designation of all funds received from any source which is required to be expended on the acquisition of rights and interests in land or studies thereof as directed by the general court. There shall be established within such fund a separate account to be known as the emergency opportunity account which shall be the designation of funds available for expenditure by the governor and council on high priority acquisition of rights and interests in land options to acquire rights and interests, and land acquisition feasibility studies.

2 Appropriation. There is hereby appropriated the sum of four million dollars to be deposited in the natural heritage conservation fund established by RSA 162-C:2-c, as inserted by section 1 of this act. Said appropriation shall consist of two million dollars from funds of the state not otherwise appropriated and two million dollars from estimated federal funds. In the event the amount of federal funds is reduced, the state funds shall be reduced in proportion. In addition to the above appropriation there is hereby appropriated the sum of five hundred thousand dollars from funds of the state not otherwise appropriated to the emergency opportunity account established by RSA 162-C:2-c, as inserted by section 1 of this act, for the purposes of RSA 162-C:2-a-c, as inserted by section 1 of this act. Both of the above appropriations shall be continuing and shall not lapse. The governor is authorized to draw his warrant for said sums appropriated out of any money in the treasury not otherwise appropriated.

3 Effect on Other Land Acquisition Powers. This act shall not be construed to affect the rights of state agencies having land acquisition powers to continue the exercise of those powers provided that natural heritage conservation funds are not utilized.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

(Speaker in the Chair)

**HB 810**

establishing a legislative facilities committee; and making an appropriation therefor. Ought to pass. Rep. Arthur F. Mann for Public Works.

The committee was unanimous in voting this bill ought to pass. Witnesses at the hearing included the Speaker of the House, several House Representatives, members of the Senate, the Mayor of Concord, the Concord City Manager, members of the City Council, and several citizens of the city. All testimony was in favor of this bill. There was no testimony against it.

Referred to Appropriations.

**HB 380**

relative to excavating, filling, mining and construction in the tidal wetlands of the state, establishing tidal wetlands commission and making an appropriation therefor. To be laid on the table. Rep. Claflin for Resources, Recreation and Development.

This bill duplicates coverage to be provided by HB 468.

Laid on table.

**HB 363**

relative to persons qualified to vote. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

Defines the information required to establish citizenship in voter registration for those born in foreign lands of United States parents.

**AMENDMENT**

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Evidence Required by Applicant. Amend RSA 55:14 by striking out in line four the words "or other evidence of the fact that he was born in this country, or" and by inserting in line five after the word "citizen" the following (or any other evidence they may request) so that said section, as amended, shall read as follows:



55:14 Evidence To Be Presented by Applicant for Listing. When determining the qualifications of an applicant under the provisions hereof, the supervisors shall require said applicant to present his birth certificate, his naturalization papers if he is a naturalized citizen, or any other evidence they may request. The supervisors may refuse to add the name of an applicant to the check-list if he fails to present the evidence required by the provisions of this section.

Amendment adopted.

Ordered to third reading.

**HB 556**

relative to the trustees of the New Hampshire Annual Conference of the United Methodist Church. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Clarifies the administrative duties of the trustees.

Ordered to third reading.

**HB 577**

relative to child placing and the care of children. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

Would raise the age from 16 to 18 of children who may be placed in the charge of the director of welfare or any licensed child-placing agency by parents unable to support it. The amendment withdraws several portions of the bill being handled by HB 673.

**AMENDMENT**

Amend section 2 of the bill by striking out paragraphs III, IV, and V.

Amendment adopted.

Referred to Appropriations.

**HB 629**

relative to the fees for birth registration cards, vital statistics records and certificates of marriage. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Will raise the fees charged.

Ordered to third reading.

**HB 717**

relative to repealing the emergency interim succession act. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This is the RSA that requires each legislator to list names of people to succeed him or her in case of a disaster. Although such a situation is perhaps remote, it is felt that it should stay in effect just in case.

Resolution adopted.

The Speaker called for the special order on:

**HB 473**

providing that the tenure of the attorney general be co-terminous with the term of the governor. Majority: Inexpedient to legislate; Rep. Charles B. Roberts for Executive Departments and Administration. Minority: Ought to pass with amendment. (Rep. Joseph L. Cote)

Majority: Since 1842 the statutes have called for a five-year term for the Attorney General. The committee felt there was no reason to change this.

Minority: Housekeeping bill. Coincides with the attorney general's term of office with that of the Governor. Does not affect present attorney general.

Rep. Joseph L. Cote moved that the report of the minority, ought to pass with amendment, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. McLane, Gallen, Cecelia L. Winn, Coutermarsh and George B. Roberts, Jr. spoke against the motion.

Reps. Read, Horan, Boisse, Merrill, and Richard L. Bradley spoke in favor of the motion.

Rep. Record moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Joseph L. Cote requested a roll call and subsequently withdrew his request.

Motion lost.

Resolution adopted.

## HB 627

to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

The advisory commission on health and welfare is just that — advisory. The format of the commission is believed to be proper and effective and should not be changed.

Rep. Sara M. Townsend moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Roma A. Spaulding spoke in favor of the motion.

Rep. Russell C. Chase spoke against the motion.

Motion lost.

Resolution adopted.

## NOTICE OF RECONSIDERATION

Rep. Forcier served notice that today or some subsequent day he would ask the House to reconsider its action in passing HB 566, prohibiting the unauthorized copying of certain recorded devices for sale.

## RECESS

## AFTER RECESS

## NOTICE OF RECONSIDERATION

Rep. Haller served notice that today or some subsequent day he would ask the House to reconsider its action in killing HB 627, to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession.

## EXTENSIONS

Rep. Claflin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 658, relative to the revocation of approval by the water supply and pollution control commission of plans for sewage or waste disposal systems.

Granted.

Rep. Claflin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 683, to provide for local review and investigation of proposed dredge and fill projects in the state's wetlands.

Granted.

Rep. Claflin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 689, relative to prohibiting the use of petroleum powered boats on Mount William Pond in the town of Weare.

Granted.

## SENATE MESSAGE

## INTRODUCTION OF SENATE BILL

SB 139, permitting patients at Rockingham County Home and Hospital to fish without a license in waters on the property of said institution.

## SUSPENSION OF RULES

Rep. Maynard moved that the rules be so far suspended as to dispense with committee reference, hearing, advertising in Journal on SB 139, permitting patients at Rockingham County Home to fish without a license in waters on the property of said institution, and to permit the bill to be taken up at the present time.

Rep. Maynard explained his motion.

Reps. Chamberlin and George B. Roberts, Jr. spoke in favor of the motion.

Adopted.

Ordered to third reading.

## Third reading and final passage

SB 139, permitting patients at Rockingham County Home and Hospital to fish without a license in the waters on the property of said institution.

## SENATE MESSAGES

CONCURRENCE HOUSE BILLS  
WITH SENATE AMENDMENTS

HB 444, legalizing the special town meeting held in the town of Barrington on June 13, 1972.

(Amendment printed in SJ April 25)

Rep. Hanson moved that the House concur with the Senate amendment.

Adopted.

HB 205, relative to voter registration by town and city clerk.

(Amendment printed in SJ April 25)

Rep. Russell C. Chase moved that the House concur with the Senate amendment.

Adopted.

HB 233, relative to the amount of fees to be charged by the registers of deeds.

(Amendment printed in SJ April 15)

Rep. Hanson moved that the House nonconcur and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Weeks, Huot, Hammond, Hanson and Esther M. Davis.

**HR 9**

in opposition to the granting of amnesty. Ought to pass. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

There is no historical evidence or precedent for granting amnesty to wartime deserters or draft law violators.



Rep. Gerry F. Parker moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Reps. Gay, Slicer, Conley, Erler, Brungot, Fisher and Twigg spoke against the motion.

(discussion)

Reps. Bergeron, Gelinaz, Horan, Daniell and McManus spoke in favor of the motion.

At the request of Rep. T. Anne Webster, Rep. Parker answered questions.

At the request of Rep. Horan the clerk read the Resolution in full.

Rep. Meserve moved the previous question.

Sufficiently seconded.

Adopted.

Reps. Gay and Dudley requested a division.

56 members having voted in the affirmative, and 242 in the negative, the motion lost.

Reps. Forcier, Streeter, Whipple and Savage wished to be recorded against the Parker motion.

Rep. Wayne E. Helie wished to be recorded in favor of the Parker motion.

Reps. Palfrey and Allen wished to be recorded in favor of HR 9.

Rep. Daniell offered an amendment.

#### AMENDMENT

Amend said resolution by inserting after the eighth paragraph the following new paragraph:

Be it further resolved that for all those who served in Indo China for thirty days or more we favor a federal bonus of \$1,000 and a state bonus of \$1,000, to the wives and children of all members of the armed services who lost their lives in combat service in Indo China, we favor a bonus of \$1,000, to all mem-

bers of the armed services who received combat wounds in Indo China from which they suffered fifty percent or more disability. We call upon the governor of this state to take necessary steps to bring about the legislation to accomplish the purposes of this resolution.

Further amend said resolution by striking out the ninth paragraph and inserting in place thereof the following:

We call upon the members of the United States House of Representatives of the United States Senate from the state of New Hampshire to initiate and support the necessary legislation to pay the federal bonuses and to oppose any legislative proposal which would grant amnesty to those draft dodgers and deserters who left the United States of America rather than pay the penalties for their actions; and moreover

The clerk read the amendment in full.

Rep. Daniell spoke in favor of the amendment.

The Speaker ruled the amendment was germane.

At the request of Rep. Daniel J. Healy the clerk read the amendment in full a second time.

Reps. Chandler and Healy spoke in favor of the amendment.

Rep. McDonough spoke against the amendment.

(discussion)

Rep. Nelson moved that the Daniell amendment be laid on the table.

Amendment laid on table.

HR 9 ordered to third reading.

The following wished to be recorded against HR 9 and in favor of the Daniell amendment:

Reps. Dudley, Hildreth, Chambers, William J. Stevens, Roderick H. O'Connor, Charles B. Roberts, Cushman, Bergeron, Spirou, Shea, Nardi, and McManus.

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Reps. George B. Roberts, Jr. and Spirou moved that all

bills not acted upon today be made a Special Order for Tuesday next.

Adopted.

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Consent Calendar Day Wednesday morning May 2; Regular Calendar Wednesday afternoon.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only, and when the House adjourns it adjourn to meet Tuesday next at 11:00 a.m., in honor of Rep. Lyons who last evening was elected the first woman member of the Boy Scouts of America New Hampshire Board of Directors.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 224, to reclassify a certain section of highway in the town of Orange.

HB 556, relative to the trustees of the New Hampshire Annual Conference of the United Methodist Church.

HB 629, relative to the fees for birth registration cards, vital statistics records and certificates of marriage.

HB 363, relative to persons qualified to vote.

House Resolution 9, in opposition to the granting of amnesty.

#### RECONSIDERATION

Rep. Vachon moved Reconsideration of House Resolution 9, in opposition to the granting of amnesty.

Reconsideration lost.

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On motion of Rep. Lyons, the House adjourned at 4:50 p.m.

*Tuesday, 1May73*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by Guest Chaplain, Dr. Hyman J. Appleman, of Kansas City, Missouri.

Holy Heavenly Father, we are taught in Thy Word to pray for our rulers, to ask for the wisdom that comes from above.

In these days of crisis and decision we ask then that Thy Spirit will lead and guide these whom Thou hast appointed to direct and guide us into paths of righteousness for Thy Name's sake.

Let them be governed and inspired to do that which, under Thee, is best for our State, our Nation, our World.

May the solemnities of their responsibility be balanced and encouraged by the Faith — assurance of Thy goodwill towards them, and through them towards us, and of Thy presence and power in them and among them.

Because we know this is Thy will, we press our petitions upon Thee with thanksgiving in the name and in the merits of the Lord Jesus Christ. Amen.

PLEDGE OF ALLEGIANCE

Rep. Harvell led the Pledge of Allegiance.

LEAVES OF ABSENCE

Rep. Nims, the day, death in family.

Reps. Bernard and Fletcher, the day, illness.

Reps. Palfrey, Skinner and Woodward, the week, illness.

Reps. Southwick, Roger K. Warren, Hough and James E. O'Neil, the day, important business.

Reps. Scranton and John B. Goff, the week, important business.

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Rep. George B. Roberts, Jr. offered the following:

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 830, 868 through 886, and 888 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 830, clarifying the statutes on explosives. (Committee on Rules for Rep. Barrett of Hillsborough Dist. 29 — To Statutory Revision).

HB 868, relative to the taxation of mobile homes. (O'Connor of Strafford Dist. 15; Splaine of Rockingham Dist. 19 — To Ways and Means.)

HB 869, creating enabling legislation to permit a local option homeowners' exemption applied to property taxes upon approval by referendum. (Splaine of Rockingham Dist. 19 — To Ways and Means).

HB 870, relative to petitions and hearings for the establishment of trust companies. (Sayer of Rockingham Dist. 5 — To Banks and Insurance).

HB 871, relative to the jurisdiction of the probate courts. (Sayer of Rockingham Dist. 5 — To Judiciary).

HB 872, relative to appeals from probate courts. (Sayer of Rockingham Dist. 5 — To Judiciary).

HB 873, relative to citizens' rights and providing a penalty for their violation. (Pryor of Coos Dist. 7 — To Judiciary).

HB 874, permitting any town to adopt fiscal year accounting. (Nutt of Grafton Dist. 13 — To Municipal and County Government).

HB 875, relative to the salaries of the Somersworth city council. (Chasse of Strafford Dist. 7; Meserve of Strafford Dist. 7 — To Municipal and County Government).

HB 876, relative to the use of sewer rents, hook-ups or



betterment charges. (Sununu of Rockingham Dist. 5 — To Resources, Recreation and Development) .

HB 877, relative to eminent domain petitions of public utilities. (Estabrook of Rockingham Dist. 10; Patrick of Coos Dist. 1 — To Executive Departments and Administration.)

HB 878, relative to assistance to dependent children of unemployed fathers and defining the words parent and father. (Murray of Hillsborough Dist. 3 — To Public Health and Welfare.)

HB 879, relative to overtime pay for full-time employees of the department of public works and highways and making an appropriation therefor. (Belair of Rockingham Dist. 5 — To Executive Departments and Administration.)

HB 880, exempting part-time employees of nonprofit fraternal organizations from provisions of unemployment compensation laws. (Matheson of Belknap Dist. 1 — To Statutory Revision.)

HB 881, relative to the sale of wine in retail food stores and imposing a tax on same. (Splaine of Rockingham Dist. 19; Erickson of Hillsborough Dist. 24 — To Ways and Means and Liquor Laws.)

HB 882, relative to dredging and filling projects adjacent to freshwater surface waters. (Duprey of Carroll Dist. 2 — To Resources, Recreation and Development.)

HB 883, relative to the powers of county commissioners. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 884, repealing the statute prohibiting aliens to sell, serve, or deliver any liquor or beverage. (Dunham of Cheshire Dist. 5 — To Liquor Laws.)

HB 885, repealing the prohibition against liquor advertising in fraternal, religious, educational, patriotic, social or civil group publications. (Belair of Rockingham Dist. 5 — To Liquor Laws.)

HB 886, relative to benefits paid while appeal is pending. (Spirou of Hillsborough Dist. 27 — To Labor, Human Resources and Rehabilitation.)

HB 888, making appropriations for the expenses of certain departments of the state for the fiscal years ending June 30, 1974 and June 30, 1975. (Drake of Coos Dist. 3 — To Appropriations.)

## SENATE MESSAGE

### CONCURRENCE

HB 394, relative to providing education for handicapped children.

HB 686, relative to the lien for uncollected property taxes upon any house trailer or mobile home.

HB 519, relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282.

## ENROLLED BILLS REPORT

HB 323, relative to the right to know law.

HB 325, relative to games of beano.

HB 342, relative to liability for support for relatives.

HB 417, providing for a fee upon petition to the board of trust company incorporation for establishing the charter of any trust company and changing the notice requirements when the charter is amended.

HB 441, relative to the inspection of homes for neglected children and adoption procedures.

HB 519, relative to exemption for commissioned real estate salesmen and brokers from contribution requirements of RSA 282.

SB 45, increasing from ten to thirty days the time within which an appeal to superior court can be filed from a finding of an employment security appeal tribunal.

SB 139, permitting patients of Rockingham County Home and Hospital to fish without a license in waters on the property of said institution.

HB 72, relative to requirements and prohibitions for county officers and employees.

HB 370, relative to the appointment and removal of medical referees by the county commissioners.

HB 446, relative to support of relatives.

HB 564, relative to annual meetings of credit unions.

SB 33, relative to payment of court fees for breath tests of blood alcohol content.

HB 261, to provide for a uniform fire and safety code applicable to all towns and village districts of the state and to provide construction standards for certain public buildings.

Mabel L. Richardson  
*For The Committee.*

### COMMITTEE REPORTS

#### HB 713

permitting certain employees to contribute toward the purchase of group life insurance. Ought to pass. Rep. Leighton for Banks and Insurance.

Gives equal rights to all in the purchase of group insurance.

Ordered to third reading.

#### HB 748

relative to the definition of accidents for the rating of insurance policies. Inexpedient to legislate. Rep. Bartlett for Banks and Insurance.

The bill may have good intentions, but is poorly drafted.

Resolution adopted.

#### HB 660

providing free school textbooks. Inexpedient to legislate. Rep. Scranton for Education.

This bill as written, with or without the suggested amendment would involve all private schools and would be tremendously burdensome if not impossible to administer. Decision was unanimous of those voting and present.

Resolution adopted.

#### HB 761

relative to election procedures of the Contoocook Valley

school district. Ought to pass. Rep. T. Anne Webster for Education.

This appeared to correct a local option problem and the committee felt it would be good legislation.

Ordered to third reading.

### **HB 623**

relative to the labeling of packaged meats as to USDA grade. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

The committee feels that federal standards are adequate to protect the consumer, and adding basically meaningless information will just raise the price to the consumer.

Resolution adopted.

### **HB 651**

to provide for termination of certain charitable trusts. Ought to pass with amendment. Rep. Close for Judiciary.

To allow the superior court to terminate a charitable trust where its continuation is impracticable or unfeasible or where the charitable purpose can be accomplished by a transfer of assets.

### **AMENDMENT**

Amend the bill by striking out section one and inserting in place thereof the following:

1 Failure of Purpose of Charitable Trust. Amend RSA 498 by inserting after section 4-c the following new section:

498:4-d Termination of Charitable Trusts by the Attorney General. If the superior court, upon application by the attorney general, or the trustee, or trustees, finds that the continuance of charitable trust is impracticable or unfeasible, and that the charitable purpose of the settlor or testator can be accomplished by a transfer of the trust assets to another charitable trust or corporation, or to the beneficiaries of said trust, the trust is subject to termination by the court upon such terms and conditions as it may impose.

Amendment adopted.

Ordered to third reading.

**HB 801**

relative to expenses of county investigatory committees. Ought to pass. Rep. Ezra B. Mann for Municipal and County Government.

Legislation provides, when an "investigatory committee" is appointed by county convention, a sum of money shall be appropriated for use of said committee. Expenditures to be made after approval by the executive committee of convention. Present statute, enacted in 1919, provides that approval of expenditures be made by a judge of the Superior Court.

Ordered to third reading.

**HB 678**

to limit the application of rules and regulations affecting day care centers promulgated and enforced by the welfare department. Lay on table until June 5, 1973. Rep. Helen F. Wilson for Public Health and Welfare.

Unanimous decision of committee that this bill be laid on table until Tuesday, June 5. Would give the appointed sub-committee time to work with proper authorities.

Laid on table until June 5.

**HB 691**

providing for family planning services for all persons seeking same. Ought to pass. Rep. Copenhagen for Public Health and Welfare.

Bill would permit division of Public Health Services to provide all persons seeking family planning guidance or services.

Ordered to third reading.

**HCR 15**

relative to the Isaac Hill mansion. Ought to pass. Rep. Milne for Resolutions and Screening.

*Whereas*, Isaac Hill was one of the principal advocates of establishing the state capitol at Concord (which was accomplished in 1819), and

*Whereas*, Isaac Hill founded and edited in Concord the



New Hampshire Patriot, a leading exponent of the principles of Jacksonian Democracy, and

*Whereas*, Isaac Hill served the state of New Hampshire as clerk of the state senate and as a state senator from Concord from 1820 to 1822 and again in 1827, and

*Whereas*, Isaac Hill was named by President Andrew Jackson as Second Comptroller of the Treasury in 1829 and was a prominent member of President Jackson's famous "Kitchen Cabinet" of close advisors, and

*Whereas*, Isaac Hill served in the United States Senate from 1831 until 1836, and as governor of New Hampshire from 1836 until 1839, and

*Whereas*, Isaac Hill was one of the state's most vigorous and colorful political figures and one of its most prominent statesmen during the antebellum period, and

*Whereas*, Isaac Hill's once elegant mansion on South Main Street in Concord now is being razed, and

*Whereas*, the Isaac Hill mansion is the last monument to one of New Hampshire's greatest men of public life,

*Now Therefore Be It Resolved* by the House of Representatives, the Senate concurring:

That the New Hampshire General Court looks upon the imminent destruction of Isaac Hill's historic mansion with sadness, and

*Be It Further Resolved*, that the New Hampshire General Court urges the New Hampshire Historic Commission, the New Hampshire Historic Society and historic societies in Concord and throughout the state to work to erect as near as is practical to the site of the Isaac Hill mansion and as soon as shall be expedient a suitable historic marker indicating Isaac Hill's several achievements and noting that he lived for many of his years in a beautiful Greek Revival House near the said marker.

Urges the New Hampshire Historic Commission, the New Hampshire Historic Association and Concord Historic

Society to work to erect a marker on or near Isaac Hill's home.

Ordered to third reading.

**HB 659**

relative to emergency transportation services. Inexpedient to legislate. Rep. Hamel for Transportation.

Strong opposition at hearing. Would weaken the ambulance regulating law enacted in 1971.

Resolution adopted.

**HB 710**

relative to licensing motor vehicle physical damage appraisers. Inexpedient to legislate. Rep. Hamel for Transportation.

Testimony did not show the need for this law.

Resolution adopted.

**HB 762**

prohibiting hidden radar detection equipment on highways without appropriate warning. Inexpedient to legislate. Rep. Hamel for Transportation.

Would greatly decrease the usefulness of radar and flashing lights would cause confusion on the highways.

Resolution adopted.

**HB 382**

relative to prizes or awards in connection with beano games. Inexpedient to legislate. Rep. Splaine for Ways and Means.

This bill, if enacted, would require that the total value of all awards or prizes, given in connection with a game of beano, be not less than \$500.00. Committee voted unanimously that the minimum would be unwise and would hinder small organizations from the sport.

Resolution adopted.

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RECESS

The Speaker announced that Rep. and Mrs. Burns are

celebrating their 25th wedding anniversary. Their daughter-in-law, Mrs. Carol Burns, is the director of "Try Group."

Project TRY presented "Show Biz" to the House.

Rep. George B. Roberts, Jr. expressed appreciation on behalf of the House.

#### AFTER RECESS

Rep. Drake, Chairman of the Appropriations Committee addressed the House as follows:

We have identified the major increases above the Governor's Recommended Budget as follows:

	1974	1975
Legislative	419,398	589,192
Administration & Control	254,225	208,677
Centralized Data Processing	496,585	407,543
State Library	193,220	194,840
(Replacing Federal Funds to maintain bookmobile and handicapped services)		
Liquor Commission	290,475	225,760
To correct inadvertent omission in Governor's Recommended Budget and add 2 more liquor stores (total now 3.)		
Resources & Recreation	335,470	294,039
Water Pollution Commission	370,459	253,555
U.N.H. System — Durham	100,000	100,000
Plymouth	277,197	189,491
Keene	289,283	210,684
Marine Research & Development	100,000	100,000
(Oceanography)		
Educational TV	33,274	46,229
Department of Health & Welfare		
Division of Mental Health		
N.H. Hospital (including School of Nursing	1,664,970	2,682,840
Community Mental Health Centers (Grants)	928,645	1,593,340
Laconia State School	223,597	234,626

## Division of Welfare

Medical Assistance Payments &amp; State

picking up part of local costs. Local

government costs reduced by about 1.3

million each year.

2,492,725 2,986,403

Many revisions of a relatively minor nature up or down throughout the budget.

The total increase proposed over the Governor's Recommended Budget is 19.7 million.

Arthur M. Drake, Chairman

Appropriations Committee

(discussion)

## COMMITTEE REPORTS CONTINUED

**HB 617**

pertaining to non-resident students at the University of New Hampshire. Majority: Ought to pass; Rep. Albert C. Jones for Education. Minority: Refer to Judiciary Committee. (Rep. Horan)

Majority: This bill is of critical importance to the University system and to the state. This bill clearly gives the trustees the right to charge a large tuition to out-of-state students. (This is a practice not clearly defined by statute now). It also separates the "residence" and domicile issue clearly. It also provides a route of appeal for an aggrieved student.

Minority: The bill has complex legal implications, and appears to expand the power of the board of trustees.

Rep. Gerry F. Parker moved that HB 617 be reported inexpedient to legislate, and spoke in favor of the motion.

Rep. Rock explained the bill.

(discussion)

Rep. William P. Boucher spoke against the motion.

Rep. Chandler spoke in favor of the bill.

Rep. Horan moved that HB 617 be referred to the Judiciary Committee and spoke in favor of the motion.

Rep. Spirou spoke against the motion.

Rep. Stevenson moved the previous question on all pending motions.

Sufficiently seconded.

Adopted.

Question being on the Horan motion.

Motion lost.

Question being on the Parker motion.

Motion lost.

Ordered to third reading.

#### **HB 687**

relative to distribution of the manual of the general court. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

The present law allows broad distribution of the Red Book and does not need change.

Rep. Brungot moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion and subsequently withdrew her motion.

Rep. Russell C. Chase explained the committee report.

Resolution adopted.

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Rep. Hamel moved that HB 294, to require seat belts on amusement rides at carnivals, fairs and parks such as ferris wheels, rides called the whip or hammer and other similar or like rides, be removed from the table.

Adopted.

Rep. Hamel moved that HB 294 be recommitted to the committee on Transportation.

Adopted.

RECESS

AFTER RECESS



## SENATE MESSAGE

## CONCURRENCE HB WITH SENATE AMENDMENT

HB 341, changing the date for distribution of sweepstakes funds.

Rep. Sayer moved that the House concur with the Senate amendment.

Rep. Sayer explained the amendment.

Adopted.

(Amendment printed in SJ April 11)

## ENROLLED BILLS REPORT

HB 48, relative to enforcement of orders of tax commission for abatement of taxes.

HB 385, relative to changing the name of the Association of New Hampshire Assessors.

HB 686, relative to the lien for uncollected property taxes upon any house trailer or mobile home.

HB 205, relative to voter registration by town and city clerks.

HB 394, relative to providing education for handicapped children.

HB 292, providing for protection of persons engaged in scuba diving on the inland waters of the state.

Mabel L. Richardson

*For The Committee.*

## VACATES

Rep. Merrill moved that the House vacate the reference of HB 841, relative to unemployment compensation appeal procedure, to the committee on Judiciary and re-refer said bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

Rep. Greene moved that the House vacate the reference of

HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies, to the committee on Municipal and County Government and re-refer said bill to the committee on Environment and Agriculture.

Adopted.

Rep. Russell C. Chase moved that the House vacate the reference of HB 844, relative to the practice of architecture, to the committee on Statutory Revision and re-refer said bill to the committee on Executive Departments and Administration.

Adopted.

Rep. McLane moved that the House vacate the reference of HB 839, relative to unemployment compensation during and after pregnancy, to the committee on Executive Departments and Administration and re-refer said bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

Rep. Roma Spaulding moved that the House vacate the reference of HJR 45, extending the special committee to study the effectiveness of the laws relating to access to and use of public buildings by the physically handicapped, to the committee on Public Health and Welfare and re-refer said Resolution to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

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Rep. Gemmill offered the following:

#### RESOLUTIONS

*Whereas*, we have learned with sorrow of the death of Lauie A. Nettleton, former Representative from Groton, and

*Whereas*, Lauie A. Nettleton served his community faithfully and with honor, therefor be it,

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Lauie A. Nettleton, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

#### COMMITTEE REPORTS CONTINUED

##### HB 468

relative to excavating, filling, mining and constructing in the waters and wetlands of the state; establishing a wetlands authority and making an appropriation therefor; revising the boat license fees; and repealing the town tax on boats. Majority: Ought to pass with amendment. Reps. Claflin and Hamel for Resources, Recreation and Development and Transportation. Minority: Inexpedient to legislate. (Reps. Nelson, Lawton, Harrison, Lebel, James W. Murray, Woods, D'Amante, MacDonald, Tavitian and Clark)

Majority: Bill would establish a wetlands authority to assume the duties of the special dredge and fill board in regulating these activities under water and in wetlands. As a long term project, it also provides for the classification of state's wetlands into categories based on the desirability of preserving them. Restrictions would be of the nature of an easement against dredging or filling with compensation to the landowner where justified.

Amendment adds two more public members to board and narrows definition of wetlands.

Bill would repeal the town tax on boats and raise a boat's plate fee by a roughly offsetting amount, with additional revenue coming from those now avoiding the town tax to be used for the funding. Supported by 23 to 9.

Minority feels that passage of HB 468 would:

- A. Unfairly remove \$240,000. in much needed tax revenue from the towns, through deletion of the boat tax.
- B. The funding of the bill is not sufficient to meet its needs.
- C. That the boat owners of the state and of neighboring states should not be expected to bear the entire burden of financing such legislation.

- D. The bill is piecemeal legislation to solve a problem much more reasonably covered by Senate Bill 1.
  - E. That the bill in its present form is far too broad, and would needlessly penalize many property owners of the state, by the state taking easements of their land without proper and adequate compensation.
  - F. That the bill, through its broad scope, would improperly halt much needed development of industry and commerce in New Hampshire.
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Rep. Nelson requested a quorum count and subsequently withdrew his request.

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Rep. George B. Roberts, Jr. moved that debate on HB 468 be limited to a total of one hour, the time to be equally divided between the opponents and proponents of the bill; questions to be limited by speakers and the Speaker.

Adopted.

Rep. Nelson moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Reps. Kopperl, Oleson, Hamel, Richard L. Bradley and Claflin spoke against the motion.

(discussion)

Reps. Lawton, French, George I. Wiggins, Clark, George B. Roberts, Jr. and Harrison spoke in favor of the motion.

Reps. Sara M. Townsend, Tilton and Ladd non-spoke against the motion.

Reps. D'Amante, Tavitain, Lebel, James W. Murray, Woods, and Beaulieu non-spoke in favor of the motion.

A division was requested.

202 members having voted in the affirmative and 87 in the negative, the motion prevailed.

## RECONSIDERATION

Rep. Nelson moved Reconsideration on HB 468, relative to excavating, filling, mining and constructing in the waters and wetlands of the state; establishing a wetlands authority and making an appropriation therefor; revising the boat license fees; and repealing the town tax on boats.

Reconsideration lost.

Rep. Sayer wished to be recorded against HB 468.

**HCR 13**

memorializing the Congress of the United States not to rebuild North Vietnam. Ought to pass. Rep. Arthur E. Thompson for Claims, Military and Veterans Affairs.

There is no historical precedent for the United States to rebuild a country which has not previously surrendered terminating a conflict.

Rep. Gerry F. Parker moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Rep. George I. Wiggins explained the committee report.

Rep. Gay moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Parker requested a division and subsequently withdrew his request.

Motion lost.

Ordered to third reading.

## SUSPENSION OF RULES

Rep. Kenneth W. Spalding moved that the rules be so far suspended as to dispense with committee reference, hearing, advertising in Journal on HCR 17, memorializing Congress to provide for the transfer of Old Ironsides to the Portsmouth Naval Shipyard, and to permit the Resolution to be taken up at the present time.

The clerk read the Resolution in full.



Rep. Spalding explained his motion.

Adopted by the necessary two-thirds.

Ordered to third reading.

#### HOUSE CONCURRENT RESOLUTION 17

memorializing Congress to provide for the transfer of  
Old Ironsides to the Portsmouth Naval Shipyard.

*Whereas*, the USS Constitution, also known as Old Ironsides, is an historic vessel which has long been a part of the history and culture of New England; and

*Whereas*, Old Ironsides is currently berthed at the Boston Naval Shipyard, which will be closed in the immediate future and would no longer be able to maintain Old Ironsides; and

*Whereas*, the citizens of the state of New Hampshire wish to retain Old Ironsides in the New England area where it belongs because of history and tradition; and

*Whereas*, the Portsmouth Naval Shipyard will continue to serve the New England area and could provide the necessary visitation and maintenance facilities for an historic vessel such as Old Ironsides;

*Now Therefore Be It Resolved* by the House of Representatives, the Senate concurring:

That the Legislature of the State of New Hampshire hereby expresses its desire that Old Ironsides be transferred to the Portsmouth Naval Shipyard upon the close of the Boston Naval Shipyard and be maintained there for visitors to inspect and appreciate; and

That the Legislature memorialize the New Hampshire representatives to the Congress of the United States to take immediate action to implement the above request; and

That copies of this Resolution be forwarded to the Washington office of each of the United States senators and representatives from the State of New Hampshire.

#### SENATE MESSAGE

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 111, providing for the merger of the New Hampshire

Teachers' Retirement System into the New Hampshire Retirement System and the protection of the benefits of all persons affected thereby. Executive Departments and Administration.

SB 106, relative to the use of voting machines. Municipal and County Government.

SB 40, relative to the distribution of district court fees. Judiciary.

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The Speaker announced that today is the 25th Wedding Anniversary of Rep. McLane and is Rep. Cummings' birthday.

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Consent Calendar Day Wednesday morning, May 2; regular calendar in the afternoon.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that reading of bills be by title only and resolutions by caption only and all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 713, permitting certain employees to contribute toward the purchase of group life insurance.

HB 617, pertaining to non-resident students at the University of New Hampshire.

HB 761, relative to election procedures of the Contoocook Valley school district.

HB 651, to provide for termination of certain charitable trusts.

HB 801, relative to expenses of county investigatory committees.

HB 691, providing for family planning services for all persons seeking same.

HCR 15, relative to the Isaac Hill mansion.

HCR 13, memorializing the Congress of the United States not to rebuild North Vietnam.

HCR 17, memorializing Congress to provide for the transfer of Old Ironsides to the Portsmouth Naval Shipyard.

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### RECONSIDERATIONS

Rep. Vachon moved Reconsideration on HCR 13, memorializing the Congress of the United States not to rebuild North Vietnam.

Reconsideration lost.

Rep. Edward A. Johnson moved Reconsideration of HB 691, providing for family planning services for all persons seeking same.

Reconsideration lost.

Rep. Edward A. Johnson moved Reconsideration on HB 659, relative to emergency transportation services.

Reconsideration lost.

### NOTICE OF RECONSIDERATION

Rep. Lawton served notice that today or some subsequent day he would ask the House to reconsider its action in killing HB 748, relative to the definition of accidents for the rating of insurance policies.

### NOTICE OF RECONSIDERATION

Rep. Sweeney served notice that today or some subsequent day he would ask the House to reconsider its action in laying on the table HB 678, to limit the application of rules and regulations affecting day care centers promulgated and enforced by the welfare department.

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On motion of Rep. Joseph M. Eaton, the House adjourned at 4:28 p.m. in honor of Senior Citizens' month, to meet tomorrow at 11:00 a.m.

*Wednesday, 2May73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. Joseph Y. Beaulieu.

**O Lord**, we believe in the dignity of the individual, in government by law, in respect for the truth, and in a good God. Help us realize that these beliefs are worth our lives and more. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Bernard led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Bernier, Cox and John H. Perkins, the day, important business.

Reps. Cary and Read, the week, important business.

Rep. Streeter, two weeks, important business.

Rep. Casassa, indefinite, important business.

Rep. Hammond, the week, illness in family.

## SENATE MESSAGES

## CONCURRENCE

HJR 22, in favor of the North Conway fire department for rescue operations.

## NONCONCURRENCE

HB 606, relative to the control of abortion.

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Rep. Joseph M. Eaton offered the following:

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 889 through 897, and House Joint Resolution number HJR 46 shall be by this

resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's & HJR

### First, second reading & referral

HB 889, providing means for settlement of disputes between public school teachers and school districts or supervisory unions and for other purposes. (Van Loan of Hillsborough Dist. 9; Boucher of Rockingham Dist. 3; Stevenson of Grafton Dist. 3; Dunham of Cheshire Dist. 5 — To Labor, Human Resources and Rehabilitation.)

HB 890, prohibiting compulsory abortion and prohibiting compulsory performance of the same. (Jones of Grafton Dist. 8 — To Public Health and Welfare.)

HB 891, relative to all county financial reports. (Howard of Carroll Dist. 1 — To Municipal and County Government.)

HB 892, to clarify the status of accountants under the statutes. (Plourde of Merrimack Dist. 7 — To Executive Departments and Administration.)

HB 893, permitting county convention to employ special legal counsel. (Raymond of Cheshire Dist. 12 — To Municipal and County Government.)

HB 894, establishing a plumbing code for the state of New Hampshire. (Howard of Merrimack Dist. 20 — To Executive Departments and Administration.)

HB 895, relative to employment of youth. (Merrill of Grafton Dist. 14; Coutermarsh of Hillsborough Dist. 24 — To Labor, Human Resources and Rehabilitation.)

HB 896, relative to health certificates for child-care agency personnel. (Pierce of Belknap Dist. 7; Murray of Hillsborough Dist. 3 — To Public Health and Welfare.)

HB 897, relative to the board and care of persons committed to the Laconia state school and training center or the New Hampshire hospital. (Knight of Hillsborough Dist. 8; Goff of Rockingham Dist. 5 — To State Institutions.)



HJR 46, requiring the attorney general to investigate the Berlin city building code and to determine if such is retrospective. (Pryor of Coos Dist. 7 — To Judiciary.)

### EXTENSIONS

Rep. Russell C. Chase moved that the committee on Statutory Revision be granted a six-day extension on HB 634, relative to political advertisements affixed to objects of nature.

Granted.

Rep. McLane moved that the committee on Executive Departments and Administration be granted a six-day extension on HB 613, relative to regional planning commissions.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 712, relative to posting of uncultivated lands.

Granted.

Rep. Dunham moved that the special committee on Cheshire County Delegation be granted a six-day extension on HB 711, relative to the location of the proposed Cheshire County courthouse.

Granted.

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 580, relative to jury trials of minor offenses.

Granted.

Rep. Frizzell moved that the committee on Judiciary be granted a six-day extension on HB 643, relative to the admission of persons into the New Hampshire Hospital or licensed nursing homes.

Granted.

### SUPREME COURT ADVISORY OPINION ON HB 619

HB 619, authorizing a state guarantee of bonds of the industrial development authority for pollution control purposes.

*To the House of Representatives:*

The undersigned justices of the supreme court return the following answer to the question contained in your resolution adopted and filed with the supreme court on April 12, 1973. At the request of interested parties the time for filing memoranda on the submitted question was extended to April 24, 1973.

The question submitted is whether House Bill 619 is constitutional within the meaning of N. H. CONST. pt. I, art. 12 and pt. II, arts. 5 and 6 prohibiting the expenditure of public funds for private purposes. House Bill 619 would authorize the State to guarantee bonds of the New Hampshire Industrial Development Authority for the construction of industrial facilities "... designed to abate or control air or water pollution or to provide sewage or solid waste disposal facilities or any combination thereof." RSA 162-E:14 I (a). It is further provided that the bonds may be guaranteed only after the industrial facility has been certified by the appropriate State agency to be in furtherance of pollution control or abatement and that the industrial facility will be essentially nonproductive, will improve the public health, welfare and safety and that the prime beneficiary of the facility will be the public. The proposed bill further provides that the lessee of the industrial facility will establish to the satisfaction of the Governor and Council its financial ability to pay the principal and interest of the bonds.

The stated public purpose of House Bill 619 reads as follows: "I. The general court finds that protection and restoration of the purity of the state's water and air are of primary public interest and concern; that participation by industry is essential to the success of such efforts; that imposition of the cost of essentially non-productive industrial pollution control facilities upon the state's industry, while fostering the quality of the state's environment, may nevertheless threaten the economic welfare of the state by damaging its economic base; that, therefore, further pollution control efforts by industry must be fostered while at the same time minimizing the adverse economic impact thereof.

"II. The purpose of this act is to encourage additional pollution control by industry while lowering the cost thereof through pledging the credit of the state to guarantee special bonds of the industrial development authority to be used to finance the cost of industrial pollution control facilities."

"A legislative declaration of purpose is ordinarily accepted as a part of the act . . ." (*Opinion of the Justices*, 88 N.H. 484, 490, 190 A. 425, 429 (1937) unless incompatible with its meaning and effect. In *Velishka v. Nashua*, 99 N.H. 161, 165, 106 A.2d 571, 573 (1954) the weight to be given legislative findings and declarations is stated as follows: "These legislative findings and declarations have no magical quality to make valid that which is invalid but they are entitled to weight in construing the statute and in determining whether the statute promotes a public purpose under the Constitution." See also *State v. Roberts*, 74 N.H. 476, 478, 69 A. 722 (1908). The announced purpose of a statute is not conclusive as to its meaning but it is nevertheless entitled to weight in determining whether the statute furthers a public need and purpose. *Corning Glass Works v. Max Dichter Co.*, 102 N.H. 505, 161 A.2d 569 (1960). Accordingly, in this advisory opinion, we accept the declaration of need and purpose stated in House Bill 619 § 1. See 1A Sutherland, *Statutory Construction* §§ 20.03-20.05, 20.12, 20.13 (4th ed. Sands 1972).

The desideratum of clean air and clean water, or more accurately cleaner air and cleaner water, at a time when there is environmental concern for accomplishing this objective, attest to the public purpose involved. Heretofore the public purposes have been accomplished under RSA ch. 162-E (Supp. 1972) through the use of revenue bonds without financial loss to the State. See Chermak, *The Law of Revenue Bonds* 198 (1954). The proposed act (RSA 162-E:14) would in effect convert revenue bonds into general obligation bonds of the State. In determining the crucial question whether private benefit or public benefit will predominate, statutory provisions by which the potential loss to the State are reduced or limited are important and go a long way toward upholding the constitutionality of the statute. The act would be strengthened and would be more immune from constitutional attack if it contained workable limitations to lessen the potential of State loss in the event of default on the part of the lessee. Examples of the statutory provisions which would thus protect the State's interest would be (a) limitations on the total State guarantee on any specific project, (b) a service charge for the State's guarantee of the bonds if economically feasible and (c) some provision obligating the lessee to pay the costs of operation and maintenance of

the facility. See RSA ch. 162-A (Supp. 1972); RSA 162-E:4 I (b) (Supp. 1972).

In view of *Opinion of the Justices*, 103 N.H. 258, 169 A.2d 634 (1961), *Opinion of the Justices*, 111 N.H. 199, 278 A.2d 357 (1971), and *Opinion of the Justices*, 112 N.H. 42, 288 A.2d 697 (1972), House Bill 619 is constitutional on its face.

Frank R. Kenison  
Laurence I. Duncan  
Edward J. Lampron  
William A. Grimes  
Robert F. Griffith

### COMMITTEE REPORTS

#### HB 786

relative to the name of certain buildings in Coos County. Ought to pass. Rep. Brungot for Coos County Delegation.

Renames almshouse of Coos County to Coos County Nursing Home.

Ordered to third reading.

#### HB 632

relative to investment of retirement funds. Ought to pass. Rep. Withington for Executive Departments and Administration.

Absolutely necessary to improve the retirement system.

Referred to Appropriations.

#### HB 769

relative to the season on foxes. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Rabies being present in northern New Hampshire, committee feels this would not be a good bill at this time.

Resolution adopted.

#### HB 649

authorizing test on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood. Ought to pass. Rep. Close for Judiciary.

Part of the standards of the federal highway traffic safety

administration authorizes blood tests on highway accident fatalities if death results within four hours of the accident.

Ordered to third reading.

**HB 650**

relative to the publication of notices of appointment of fiduciaries, and repeal of the requirement of the posting of such notices. Ought to pass. Rep. Anthony Stevens for Judiciary.

Continues publication in newspapers but discontinues the posting of notices which no one reads.

Ordered to third reading.

**HB 731**

relative to the penalty for first offense driving while intoxicated. Inexpedient to legislate. Rep. McManus for Judiciary.

Inexpedient to legislate at request of sponsor.

Resolution adopted.

**SB 50**

authorizing motions for summary judgment in the district court. Ought to pass. Rep. Close for Judiciary.

To provide for immediate entry of judgment where there appears to be no contradictory evidence.

Ordered to third reading.

**HB 453**

providing full pay to state employees during a total disability resulting from a work-connected accidental injury not to exceed one year. Inexpedient to legislate. Rep. McDonough for Labor, Human Resources and Rehabilitation.

Covered by pending legislation (HB 765).

Resolution adopted.

**HB 616**

relative to changes in laws relating to unemployment compensation. Inexpedient to legislate. Rep. Skinner for Labor, Human Resources and Rehabilitation.

Committee prefers "suitable" as present existing law.

Resolution adopted.



**HB 709**

revising the personnel laws to permit arbitrated appeals and political activity. Inexpedient to legislate. Rep. Rice for Labor, Human Resources and Rehabilitation.

Covered by pending legislation.

Resolution adopted.

**HB 719**

relative to county election contests. Inexpedient to legislate. Rep. Madeline G. Townsend for Municipal and County Government.

Material in this bill is covered by HB 270, presently referred to Committee of Conference.

Resolution adopted.

**HB 749**

relative to the compensation of town clerks. Ought to pass. Rep. Burke for Municipal and County Government.

Permissive legislation which permits towns, by vote at annual meeting, to establish compensation for town clerk, with a choice from three alternatives.

Ordered to third reading.

**HB 750**

relative to the compensation of collectors of taxes. Ought to pass. Rep. Whipple for Municipal and County Government.

Permissive legislation which permits towns, by vote at annual meeting, to establish compensation for tax collectors, with a choice of three alternatives.

Ordered to third reading.

**HB 518**

relative to prompt determination of application for public assistance. Inexpedient to legislate. Rep. Barbara C. Thompson for Public Health and Welfare.

Committee felt bill would not accomplish purpose for which it was intended.

Resolution adopted.

**HB 674**

requiring public eating establishments to post a notice if butter is not used in the preparation of serving of food. Inexpedient to legislate. Rep. Vesta M. Roy for Public Health and Welfare.

Withdrawn at sponsor's request.

Resolution adopted.

**HB 694**

relative to institutional guardianships. Ought to pass. Rep. Donald K. Howard for Public Health and Welfare.

This bill provides that the office of the director of the division of welfare, rather than the director himself may be appointed guardian of a minor. It eliminates from consideration as guardians, "any home for orphans situated in and incorporated under the laws of the state" and changes the name of the Family Service of Concord to the "Child and Family Service of New Hampshire" and eliminates the New Hampshire Children's Aid Society from acting in the capacity as guardian.

Ordered to third reading.

**HB 602**

relative to changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Changes the name of Ivanhoe Pond, formerly Round Pond, to Lake Ivanhoe.

Ordered to third reading.

**NOTICE OF RECONSIDERATION**

Rep. Daniel J. Healy served notice that today or some subsequent day he would ask the House to reconsider its action in passing HB 801, relative to expenses of county investigatory committees.

**RECESS****AFTER RECESS**

## ENROLLED BILLS AMENDMENT

HB 444, legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford school district.

## AMENDMENT

Amend section 3 of said bill by striking out in line eight the words "municipal finance act pursuant to RSA 33 and 1973," and inserting in place thereof the following:

pursuant to RSA 33 and 1973:1.

Amendment adopted.

## ENROLLED BILLS AMENDMENT

HB 195, relative to semi-annual collection of taxes in cities and towns.

(Amendment printed SJ May 1)

Amendment adopted.

## SENATE MESSAGES

## ADOPTION ENROLLED BILLS AMENDMENT

HB 195, relative to semi-annual collection of taxes in cities and towns.

## ADOPTION COMMITTEE OF CONFERENCE REPORT

HB 349, relative to census of persons as of April first.

## CONCURRENCE CACR WITH

## SENATE AMENDMENT

CACR 12, Relating To: Jury Trial in Civil Causes Providing That: The Supreme Court by Rule of Court Shall Determine the Value in Controversy for the Right of Trial by Jury in Civil Causes.

(Amendment printed in SJ April 26)

Rep. Joseph M. Eaton moved that the House nonconcur with the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Joseph M. Eaton, Zachos, Harvell, Gardner and Paul McEachern.

### CONCURRENCE HB's WITH SENATE AMENDMENTS

HB 101, relative to aircraft financial responsibility.

(Amendment printed in SJ April 26)

Rep. Hamel moved that the House nonconcur with the Senate amendment and that a committee of conference be established.

Adopted.

The Speaker appointed Reps. Hamel, Nutt, Merrill, Coutermarsh and Woods.

HB 427, relative to penalties for reckless driving.

(Amendment printed in SJ May 1)

Rep. Hamel moved that the House concur with the Senate amendment.

Adopted.

HB 297, relative to the standardization of reports of state agencies and distribution of state publications.

(Amendment printed in SJ May 1)

Rep. McLane moved that the House concur with the Senate amendment.

Adopted.

### COMMITTEE REPORTS CONTINUED

#### HB 704

relative to the manner of election of delegates to the constitutional convention. Ought to pass. Rep. Joncas for Constitutional Revision.

There is now no viable statute in the RSA providing for election of Con-Con delegates. The only workable alternative to HB 704 would be a bi-partisan method which would require a primary. The old system is not practicable in

multi-town districts since the one-man one-vote decision and the reapportionment of two years ago.

Ordered to third reading.

#### **CACR 28**

relating to the age and resident qualifications to be elected senator. Providing that to be a state senator one must be at least twenty-five years old and a resident of the state for three years immediately prior to being elected to office. Inexpedient to legislate. Rep. Joncas for Constitutional Revision.

CACR 32 now in the Senate is preferable . . . it changes only age, not residence requirements.

Resolution adopted.

#### **HB 747**

concerning conservation and preservation restrictions on real property. Ought to pass. Rep. Colburn for Environment and Agriculture.

This is a very technical bill authored by the Environmental Law Council to insure that conservation restrictions and easements will be valid and recordable. The present law is somewhat uncertain.

Rep. Greene explained the bill.

Ordered to third reading.

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Rep. McLane gave a general report of the Executive Departments and Administration Committee on a series of bills coming before the House dealing with Retirement.

(discussion)

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#### **HB 418**

providing additional cost of living retirement allowances for certain state employees, and making an appropriation therefor. Ought to pass with amendment. Rep. Cushman for Executive Departments and Administration.

Provides cost of living allowances for state employees and state police who retired several years ago.



## AMENDMENT

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

1 State Employees' Retirement System. Amend RSA 100:20-b (supp) as inserted by 1965, 344:1, as amended by striking out said section and inserting in place thereof the following:

100:20-b Supplementary Allowances. Any state employee beneficiary who retired prior to July 1, 1961 and who is in receipt of a retirement allowance on January 1, 1974, including any state employee retired under the state employees' retirement system as established by 1945, 183, shall, beginning with the month of January 1974 and monthly thereafter, but not beyond the month of December 1974, have his allowance increased by twenty percent. If the beneficiary of a retired member who retired prior to July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January 1974 and monthly thereafter but not beyond the month of December 1974, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1973 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1974 to December 31, 1974. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

2 Appropriation. To provide funds for the payment of the supplemental allowances provided in section 1, the sum of fifteen thousand twenty-five dollars is hereby appropriated for the

fiscal year ending June 30, 1974 to be expended between January 1, 1974 and June 30, 1974 and the sum of fifteen thousand twenty-five dollars is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 State Employees' Retirement System. Amend RSA 100:20-e (supp) as inserted by 1967, 391:1, as amended, by striking out said section and inserting in place thereof the following:

100:20-e Supplementary Cost of Living Allowances. Any state employee beneficiary who retired between July 1, 1961 and January 1, 1968 and who is in receipt of a retirement allowance on January 1, 1974 and who retired under the state employees' retirement system as established by 1945, 183, with amendments thereto, shall beginning with the month of January, 1974, and monthly thereafter but not beyond the month of December, 1974 have his allowance increased by ten percent. If the beneficiary of a retired member who retired after July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January, 1974 and monthly thereafter but not beyond the month of December, 1974, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1973 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1974 to December 31, 1974. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, or any other supplementary allowance of any beneficiary. The payment of the additional retirement allowance payable hereunder shall be contingent on the payment by the state of

the additional amounts required to meet the current disbursements of such additional retirement allowances.

4 Appropriation. To provide funds for the payment of the supplemental allowances provided in section 3, the sum of forty-nine thousand four hundred seventy-eight dollars is hereby appropriated for the fiscal year ending June 30, 1974 to be expended between January 1, 1974 and June 30, 1974 and the sum of forty-nine thousand four hundred seventy-eight dollars is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

5 State Employees' Retirement System. Amend RSA 100 by inserting after section 20-e the following new section:

100:20-f Supplementary Cost of Living Allowances. Any state employee beneficiary who retired after January 1, 1968 and before January 1, 1971 and who is in receipt of a retirement allowance on January 1, 1974 and who retired under the state employees' retirement system as established by 1945, 183, with amendments thereto, shall beginning with the month of January, 1974, and monthly thereafter but not beyond the month of December, 1974 have his allowance increased by three percent. If the beneficiary of a retired member who retired after January 1, 1968 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January, 1974 and monthly thereafter but not beyond the month of December, 1974, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1973 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1,

1974 to December 31, 1974. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, or any other supplementary allowance of any beneficiary. The payment of the additional retirement allowance payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

6 Appropriation. To provide funds for the payment of the supplemental allowances provided in section 5, the sum of eight thousand six hundred fifty-two dollars is hereby appropriated for the fiscal year ending June 30, 1974 to be expended between January 1, 1974 and June 30, 1974 and the sum of eight thousand six hundred fifty-two dollars is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

7 New Hampshire Police Retirement System. Amend RSA 103:14-b (supp) as inserted by 1971, 410:1 by striking out said section and inserting in place thereof the following:

103:14-b Allowances for Beneficiaries of the Police Retirement System. Any state police beneficiary who has retired prior to July 1, 1961 and who is in receipt of a retirement allowance on January 1, 1974 and who retired under the police retirement system shall beginning with the month of January, 1974 and monthly thereafter, but not beyond the month of December, 1974, have his allowance increased by twenty-five percent. If the beneficiary of a retired member who retired prior to July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January, 1974 and monthly thereafter but not beyond the month of December, 1974, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased re-



tirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1973 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1974 to December 31, 1974. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

8 Appropriation. To provide funds for the payment of the supplemental allowances provided in section 7, the sum of six thousand seven hundred fifty-eight dollars from the general funds of the state and the sum of thirty-one thousand six hundred twenty-eight dollars from the highway fund is hereby appropriated for the fiscal year ending June 30, 1974 to be expended between January 1, 1974 and June 30, 1974; and the sum of six thousand seven hundred fifty-eight dollars from the general funds of the state and the sum of thirty-one thousand six hundred twenty-eight dollars from the highway fund is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

9 New Hampshire Police Retirement System. Amend RSA 103:14-a (supp) as inserted by 1971, 432:1 by striking out said section and inserting in place thereof the following:

103:14-a Allowances for Beneficiary of the Police Retirement System. Any state police beneficiary who has retired between July 1, 1961 and January 1, 1968 and who is in receipt of a retirement allowance on January 1, 1974 and who retired under the police retirement system shall, beginning with the month of January, 1974 and monthly thereafter, but not beyond the month of December, 1974, have his allowance increased by fifteen percent. If the beneficiary of a retired member who retired after July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January, 1974, an increased retirement allowance which shall be the same proportion of the increased retirement



allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1973 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1974 to December 31, 1974. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, or any other supplementary allowance of any beneficiary. The payment of the additional retirement allowance payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

10 Appropriation. To provide funds for the payment of the supplemental allowances provided in section 9, the sum of eight thousand five hundred sixty dollars from the general funds of the state and the sum of forty-eight thousand five hundred fifteen dollars from the highway fund is hereby appropriated for the fiscal year ending June 30, 1974, to be expended between January 1, 1974 and June 30, 1974; and the sum of eight thousand five hundred sixty dollars from the general funds of the state and the sum of forty-eight thousand five hundred fifteen dollars from the highway fund is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

11 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Referred to Appropriations.

#### HB 471

increasing the membership of the personnel commission. Ought to pass. Rep. Gallen for Executive Departments and Administration.

The expansion of the Personnel Board to include two labor representatives seems fair.

Referred to Appropriations.

### HB 521

providing for cost of living additions to the Policemen's Retirement System and making an appropriation therefor. Ought to pass with amendment. Rep. Cushman for Executive Departments and Administration.

Provides cost of living to Policemen's Retirement System, excluding cities with a population of over 34,000 or over.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Cost of Living Allowance for Certain Retired Policemen. Amend RSA 103 by inserting after section 17 the following new sections:

103:17-a Allowances for Beneficiaries of the Police Retirement System. Any state police beneficiary who has retired prior to July 1, 1961 and who is in receipt of a retirement allowance on January 1, 1974 and who retired under the police retirement system and was not employed by a city having a population of thirty-four thousand or over shall beginning with the month of **January, 1974 and monthly thereafter, but not beyond the** month of December, 1974, have his allowance increased by twenty-five percent. If the beneficiary of a retired member who retired prior to July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January, 1974 and monthly thereafter but not beyond the month of December, 1974, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference be-

tween said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1973 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1974 to December 31, 1974. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary. The payment of the additional retirement allowances payable hereunder shall be contingent on the payment by the state of the additional amounts required to meet the current disbursements of such additional retirement allowances.

103:17-b Allowances for Beneficiaries of the Police Retirement System. Any state police beneficiary who has retired between July 1, 1961 and January 1, 1968 and who is in receipt of a retirement allowance on January 1, 1974 and who retired under the police retirement system and was not employed by a city having a population of thirty-four thousand or over shall, beginning with the month of January, 1974 and monthly thereafter, but not beyond the month of December, 1974, have his allowance increased by fifteen percent. If the beneficiary of a retired member who retired after July 1, 1961 and elected an option providing for a survivor annuity is in receipt of such survivor annuity on January 1, 1974, the beneficiary shall be paid beginning with the month of January, 1974, an increased retirement allowance which shall be the same proportion of the increased retirement allowance the member would have been entitled to receive, if any, prior to any optional modification, had he been living on January 1, 1974, as the survivor annuity bears to the full allowance prior to optional modification by such former retired member at retirement. When the increased retirement allowance of any one beneficiary shall be ascertained under the terms of the above-mentioned provisions, the difference between said increased retirement allowance and the retirement allowance said beneficiary is then receiving as of December 31, 1973 shall be multiplied by two and the said sum shall be paid to said beneficiary in twelve monthly installments during the period from January 1, 1974 to December 31, 1974. Nothing herein shall be construed as affecting the regular retirement allowance of any beneficiary, or any other supplementary allowance of any beneficiary. The payment of the additional retirement allowance payable hereunder shall be contingent on the payment by the state of the additional amounts

required to meet the current disbursements of such additional retirement allowances.

2 Appropriation. To provide funds for the payment of the supplemental allowances provided in RSA 103:17-a, as inserted by section 1 of this act, the sum of seven thousand dollars is hereby appropriated for the fiscal year ending June 30, 1974 to be expended between January 1, 1974 and June 30, 1974; and the sum of seven thousand dollars is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

3 Appropriation. To provide funds for the payment of the supplemental allowances provided in RSA 103:17-b, as inserted by section 1 of this act, the sum of twelve thousand five hundred dollars is hereby appropriated for the fiscal year ending June 30, 1974, to be expended between January 1, 1974 and June 30, 1974 and the sum of twelve thousand five hundred dollars is hereby appropriated for the fiscal year ending June 30, 1975, to be expended between July 1, 1974 and December 31, 1974. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect January 1, 1974.

Amendment adopted.

Referred to Appropriations.

## **HB 555**

establishing an office of consumer advocate; and making an appropriation therefor. Refer to Executive Departments and Administration Standing Committee for interim study. Rep. Roderick H. O'Connor for Executive Departments and Administration.

Committee feels the bill has merit and would like to study similar agencies in other states.

Referred to Executive Departments and Administration Standing Committee for interim study.

## **SB 38**

authorizing the real estate commission to expend from

examination fees whatever sums are necessary to hire a testing service. Ought to pass. Rep. Hoar for Executive Departments and Administration.

Bill authorizes the real estate commission to expend from examination fees necessary sums to hire a testing service.

Referred to Appropriations.

#### **HB 676**

relative to increasing the resident hunting season over the non-resident hunting season by one-third. Inexpedient to legislate. Rep. Huggins for Fish and Game.

Committee feels season would be too long.

Resolution adopted.

#### **HB 673**

relative to adoption procedures. Ought to pass with amendment. Rep. Nighswander for Judiciary.

Result of the study of the Governor's Commission on the Laws Affecting Children which gave this subject the highest priority. Updates and clarifies the law for the benefit of the adoptive child, the natural parent (s) and the adoptive parent (s). No opposition in the hearing or in the committee.

### **AMENDMENT**

Amend RSA 170-B:6, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

170-B:6 Persons Not Required to Consent. Consent to adoption is not required of:

I. The unwed father who has failed to comply with RSA 170-B:5, I;

II. A parent whose parental rights have been terminated by order of the court or under RSA 170-B:8;

III. A parent whose parental rights have been terminated pursuant to RSA 168-A;

IV. Any parent of the individual to be adopted, if the individual to be adopted is an adult.



Amend RSA 170-B:7, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

170-B:7 Immediate Consent or Surrender Prohibited. No consent of surrender shall be taken until a passage of a minimum of seventy-two hours after the birth of the child.

Amend RSA 170-B:14, III, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

III. Notwithstanding the provisions of RSA 170-B:14, I and II, the court may proceed to hearing and decree without an investigation where the petitioner or petitioner's spouse is the natural parent of the child to be adopted.

Amend RSA 170-B:20, V, as inserted by section 1 of the bill, by striking out the same and inserting in place thereof the following:

V. Nothing contained in this section shall limit in any way the right of any person to provide for the disposition of his or her property by will. The rights of a child adopted after the making of a will by the adopting parent or parents shall be the same as the rights of an after-born child. When the adopting parent is a stepparent, married to a natural parent, nothing contained in this section shall affect the rights of inheritance between the child and his natural parent or their collateral or lineal relatives. In the absence of specific language to the contrary an adopted child shall be considered the same as a natural child, issue or heir of the body.

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Repeal. RSA 170:14, relative to the investigation of cases, is hereby repealed.

11 Repeal. RSA 170:15, relative to application to the courts, is hereby repealed.

12 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

**SB 62**

to authorize any licensed physician to act as medical referee in certain circumstances. Ought to pass. Rep. Daniell for Public Health and Welfare.

This act provides for the appointment of a temporary assistant referee to act in behalf of a medical referee when there has been a body found and there is no medical referee, or assistant deputized and immediately available to perform the duties of the medical referee.

The county attorney or attorney general is then authorized to appoint any licensed physician consenting to act. Such physician is to receive reasonable compensation based on rates provided in RSA 611:27, as approved by the county attorney.

Ordered to third reading.

**HB 588**

relative to direct sale of farm products to the consumer. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This would circumvent the existing laws requiring grading, inspection, etc. of agricultural products.

Rep. Richard L. Bradley moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Russell C. Chase explained the committee report.

Reps. Curran, Oleson and Horan spoke in favor of the motion.

Reps. Newell, Conley and Altman spoke against the motion.

A division was requested.

101 members having voted in the affirmative and 154 in the negative, the motion lost.

Resolution adopted.

**HB 585**

providing for changing unclassified to classified positions

for three of the industrial agents in the division of economic development. Inexpedient to legislate. Rep. Gallen for Executive Departments and Administration.

Unanimous vote of committee. Saw no purpose in classifying three industrial agents.

Resolution adopted.

#### **HB 654**

making certain technical changes in statutory provisions relating to the supreme court. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

The amendment strikes out section 3 which has been covered by HB 35. The bill adds July to the months the Supreme Court sits and allows the court to require briefs.

#### **AMENDMENT**

Amend the bill by striking out section 3 and by renumbering sections 4 and 5 to read 3 and 4 respectively.

Amendment adopted.

Ordered to third reading.

#### **HB 774**

relative to ballot counting procedures. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

This seeks to solve the question of a candidate serving as an election official at his own election. It would eliminate the services of a number of officials required by law to take part. It deserves further study which will be performed by an interim committee to revise the election laws.

Resolution adopted.

#### **HB 630**

relative to warning of upcoming speed limit signs and the use of radar. Ought to pass with amendment. Rep. D'Amante for Transportation.

This bill allows motorists ample distance to decelerate to lower speed limit before radar can be used legally.

#### **AMENDMENT**

Amend RSA 262-A:56-aa, as inserted by section 1 of the

bill, by striking out same and inserting in place thereof the following:

262-A:56-aa Notice of Speed Limit; Radar Prohibited. The department of public works and highways shall erect signs within six hundred feet of all speed limit signs located on state highways, to advise motorists of an upcoming speed limit sign. Such signs shall be placed so as to give motorists an opportunity to slow down to the permitted speed limit. No vehicle shall be clocked by radar until six hundred feet into the slower speed zone.

Amendment adopted.

Referred to Appropriations.

### HB 679

prohibiting the consumption of alcoholic beverages in a moving vehicle. Inexpedient to legislate. Rep. Hamel for Transportation.

Difficulties of enforcement outweigh its commendable purpose.

Rep. Soule moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Knight and Joseph L. Cote spoke in favor of the motion.

Reps. D'Amante and Enright spoke against the motion.

Motion lost.

Resolution adopted.

### VACATE

Rep. Greene moved that the House vacate the reference of HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies, to the committee on Environment and Agriculture and refer said bill to the committee on Municipal and County Government.

Adopted.

The Speaker announced that tomorrow will be the 64th wedding anniversary of Rep. and Mrs. Champagne.

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The Speaker gave a very brief report of his trip to the Albany, New York state capital.

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Rep. Wayne E. Helie moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that reading of bills be by title only; and all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 786, relative to the name of certain buildings in Coos County.

HB 649, authorizing tests on the bodies of certain motor vehicle accident fatalities to determine the content of alcohol in their blood.

HB 650, relative to the publication of notices of appointment of fiduciaries, and repeal of the requirement of the posting of such notices.

SB 50, authorizing motions for summary judgment in the district court.

HB 749, relative to the compensation of town clerks.

HB 750, relative to the compensation of collectors of taxes.

HB 694, relative to institutional guardianships.

HB 602, relative to changing the name of Ivanhoe Pond in the town of Wakefield to Lake Ivanhoe.

HB 704, relative to the manner of election of delegates to the constitutional convention.

HB 747, concerning conservation and preservation restrictions on real property.

HB 673, relative to adoption procedures.



SB 62, to authorize any licensed physician to act as medical referee in certain circumstances.

HB 654, making certain technical changes in statutory provisions relating to the supreme court.

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Consent Calendar Day Wednesday morning May 9; regular calendar Wednesday afternoon.

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On motion of Rep. Stevenson, the House adjourned at 3:19 p.m. to meet tomorrow at 11:00 a.m.

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## *Thursday, 3May73*

The House met at 11:00 o'clock.

Prayer was offered by Assistant Chaplain, Father Francis J. O'Connor.

**It is You, O Lord**, who make us seek what is holy, choose what is right and do what is good. Give us, Your servants, that peace which the world cannot give; so that with hearts bent on Your service and fear of enemies taken away, we may live peacefully and quietly under Your protection. Through Christ our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Rep. John T. Winn led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Reps. Cushman and LaRoche, the day, illness.

Reps. McManus, Landgell and Winkley, the day, important business.

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Rep. Zachos offered the following:

### RESOLUTION

*Resolved*, that in accordance with the list in the possession

of the clerk, House Bills numbered 887 and 898 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 887, relating to salaries of district court justices, and to fees in civil cases in district courts. (Stevens of Cheshire Dist. 1 — To Judiciary.)

HB 898, relative to the authority and rights of appointed chiefs of police. (Lewko of Sullivan Dist. 6; Scott of Sullivan Dist. 6; Polak of Hillsborough Dist. 14 — To Municipal and County Government.)

## ENROLLED BILLS REPORT

HB 444, legalizing town meetings in Barrington and Salisbury and legalizing certain proceedings of the Gilford school district.

HJR 22, in favor of the North Conway fire department for rescue operations.

HB 195, relative to semi-annual collection of taxes in cities and towns.

Katherine J. Harriman

*For The Committee*

## ENROLLED BILLS AMENDMENT

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.

## AMENDMENT

Amend section 1 of said bill by striking out the second and third lines and inserting in place thereof the following:

inserting after section 28 the following new section:

457:28-a List of Family Planning Services. The town clerk shall dis-

The clerk read the amendment in full.

Adopted.

#### SENATE MESSAGES

#### ACCEDED TO COMMITTEE OF CONFERENCE

HB 233, relative to the amount of fees to be charged by the registers of deeds.

The President appointed Sens. Trowbridge, Blaisdell, Preston, Poulsen and Johnson.

#### ADOPTION ENROLLED BILLS AMENDMENT

HB 444, legalizing town meetings in Barrington, Salisbury and legalizing certain proceedings of the Gilford school districts.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 232, relative to changing the type of notice required to one who has failed to reregister as an eligible voter.

(Amendment printed SJ April 26)

Rep. Russell C. Chase moved that the House nonconcur with the Senate amendment and a Committee of Conference be established.

Adopted.

The Speaker appointed Reps. Russell C. Chase, Conley, Newell, Wilcox and Howard S. Humphrey.

#### CONCURRENCE

HB 456, relative to definition of actuary under the New Hampshire retirement system.

HB 569, relative to the time of delivery of the county budget statement.

HB 599, amending the zoning authority of Kearsarge Lighting Precinct to include the town of Bartlett.

HB 635, relative to temporary loans under the municipal finance act.

HB 531, relative to election of a town board of assessors.

HB 163, relative to the compensation paid to members of county conventions.

### ADOPTION ENROLLED BILLS AMENDMENT

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 140, amending the charter of the city of Concord relative to city council vacancies and absentee voting. Special Committee on Concord Delegation.

SB 129, relative to the form of ballots for election of delegates to the national conventions. Statutory Revision.

### CONCURRENCE HB WITH SENATE AMENDMENT

HB 364, removing limitations on the right of dependents to recover for wrongful death.

(Amendment printed SJ April 26)

Rep. Frizzell moved that the House concur with the Senate amendment.

Adopted.

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Rep. Gordon requested a quorum count.

261 members having answered the call, a quorum was declared present.

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### VACATES

Rep. Daniels moved that the House vacate the reference of SJR 10, making an appropriation for the leasing of Pillsbury Street Building, to the committee on Public Works and re-refer said Resolution to the committee on Appropriations.

Adopted.

Rep. Daniels moved that the House vacate the reference of SJR 9, making an appropriation for additional office space for the water resources board and state tax commission to the committee on Public Works and re-refer said Resolution to the committee on Appropriations.

Adopted.

### SUSPENSION OF RULES

Reps. Zachos and Coutermarsh moved that the rules of the House be so far suspended as to allow the speaker to grant extensions for bills in committee carrying an appropriation.

Adopted by the necessary two-thirds.

### SUSPENSIONS OF RULES

Rep. Russell C. Chase moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Statutory Revision on HB 548, revising the day care advisory committee to provide for representation by users of day care facilities.

Adopted by the necessary two-thirds.

Rep. French moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Education on HB 730, providing for regional vocational education programs and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Collishaw moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the Joint committee on Liquor Resources, Recreation and Development on HB 281, relative to the sale of liquor at non-state owned ski areas.

Adopted by the necessary two-thirds.

Rep. Dwyer moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Hillsborough County Delegation on HB 645, relative to the compensation to be paid members of the Hillsborough County Convention.

Adopted by the necessary two-thirds.



Rep. Merrill moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Labor, Human Resources and Rehabilitation on HB 469, relative to collective bargaining for State Employees and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Frizzell moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Judiciary on HB 539, establishing civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Frizzell moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Judiciary on HB 636, providing an attorney for indigent persons seeking unemployment compensation benefits.

Adopted by the necessary two-thirds.

Rep. Frizzell moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Judiciary on HB 540, providing for a return of certain fines from district court to cities and towns.

Adopted by the necessary two-thirds.

Rep. Daniels moved that the rules of the House be so far suspended as to allow the granting of an extension not later than May 16, 1973 to the committee on Public Works on HB 550, providing for capital improvements by providing for construction and operation of state liquor stores and gas stations adjacent to the Eastern New Hampshire Turnpike and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. Clafin moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Resources, Recreation and Development on HB 657, establishing a multi-use statewide trail system.

Adopted by the necessary two-thirds.

Rep. Claflin moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Resources, Recreation and Development on HB 672, requiring a certificate for designers or persons drawing plans for a sewage disposal system.

Adopted by the necessary two-thirds.

## COMMITTEE REPORTS

### HB 770

relative to limitation on officers serving in more than one financial institution. Inexpedient to legislate. Rep. Deoss for Banks and Insurance.

Bill, if passed, would weaken conflict of interest bill passed in 1971.

Rep. French moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Wayne E. Helie explained the committee report.

Reps. Gemmill and Lawton spoke in favor of the motion.

Reps. Pierce and Bigelow spoke against the motion.

(discussion)

Motion lost.

Resolution adopted.

### HB 772

relative to consumer finance company loans. Ought to pass with amendment. Rep. Milne for Banks and Insurance.

Permissive legislation allowing a reasonable rate of charge necessary to cover higher cost of providing services. Last revision was 1967.

Rep. Nelson moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. Bigelow and Coutermarsh spoke against the motion.

Reps. Bednar, Spirou and Daniell spoke in favor of the motion.

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted.

### HB 415

establishing districts for the election of county commissioners in Carroll county. Ought to pass with amendment. Rep. Claflin for Carroll County Delegation.

The bill establishes districts for the election of county commissioners in Carroll county.

Rep. Donald K. Howard moved that the words, inexpedient to legislate, be substituted for the delegation report, ought to pass with amendment, and spoke in favor of the motion.

Reps. T. Anne Webster and Cox spoke in favor of the motion.

Rep. Russell C. Chase spoke against the motion.

(discussion)

Motion adopted.

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### COMMITTEE OF CONFERENCE REPORT

HB 349, relative to census of persons as of April first.

(Report printed SJ April 26)

Rep. Russell C. Chase moved that the Committee of Conference report on HB 349 be adopted.

Adopted.

### RECONSIDERATIONS

Rep. T. Anne Webster moved Reconsideration on HB 415, establishing districts for the election of county commissioners in Carroll county.

Reconsideration lost.

Rep. Nelson moved Reconsideration on HB 772, relative to consumer finance company loans.

Reconsideration lost.

## RECESS

## AFTER RECESS

## ENROLLED BILLS REPORT

HB 427, relative to penalties for reckless driving.

SB 50, authorizing motions for summary judgment in the district court.

SB 62, to authorize any licensed physician to act as medical referee in certain circumstances.

Katherine J. Harriman  
*For The Committee*

## VACATE

Rep. McLane moved that the House vacate the reference of HB 877, relative to eminent domain petitions of public utilities, to the committee on Executive Departments and Administration and re-refer said Bill to the committee on Judiciary.

Adopted.

## COMMITTEE REPORTS CONTINUED

### HB 681

transferring members from the predecessor systems to the New Hampshire retirement system. Ought to pass. Rep. Cushman for Executive Departments and Administration.

This is a routine procedure in regard to the New Hampshire Retirement System.

Referred to Appropriations.

### HJR 39

appropriationg funds to the department of personnel to study retirement allowances. Ought to pass with amendment. Rep. Cushman for Executive Departments and Administration.

The committee unanimously felt that this actuarial study

will be very valuable in regard to future legislation affecting the state retirement system.

### AMENDMENT

Amend the title of the resolution by striking out the same and inserting in place thereof the following:

### JOINT RESOLUTION

establishing a state retirement commission to study the state retirement systems and making an appropriation therefor.

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

I. There is hereby established a state retirement commission consisting of the board of trustees of the New Hampshire retirement system. The commission is authorized and empowered to apply for, receive, accept, make use of and expend funds, services, or personnel from any public or private sources, and subject to the approval of the governor and council, to hire, employ, or contract with one or more actuaries, or any person or persons.

II. The commission shall conduct a study of all the state retirement systems to reach the following objectives:

- (a) A comprehensive analysis of all retirement systems;
- (b) Determine the fairness of certain provisions with respect to all groups;
- (c) Determine whether or not years of service should be the only criteria for retirement benefits;
- (d) Determine the best method of merging the various systems into the New Hampshire Retirement System including both active and retired members;
- (e) Determine if political subdivisions employees in cities over thirty-four thousand in population are contributing as other employees, and if not the cost and method of changing this;
- (f) Determine if a cost of living adjustment should be built into all systems using the adjusted credit increase or an appropriation by the legislature;
- (g) Determine the cost of group I members being allowed full credit for years of service over thirty;



(h) Determine if group II members should be allowed to retire after twenty years of service with an increase in benefits;

(i) Determine if social security should be considered for group I members;

(j) Determine if proper investments have been and are being made and make any new recommendations required;

(k) Determine if all members of any system should retire at seventy years of age;

(l) Determine if any deficit exists in any system and/or local districts share;

(m) Determine the best way to place the required data on data processing; and

(n) Any other conditions that may be found necessary.

III. Not later than December 15, 1974, the commission shall report its findings, recommendations, and proposed legislation, to the speaker of the house and the president of the senate.

IV. The sum of twenty-five thousand dollars is hereby appropriated to the state retirement commission for the purposes of this act. The governor is authorized to draw his warrant for the sum hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

### HJR 43

relative to retirement credit for Clarence W. Metcalf. Ought to pass. Rep. Cushman for Executive Departments and Administration.

The committee felt that this is a legitimate request. Mr. Metcalf's position was abolished; he did not voluntarily leave state service.

Referred to Appropriations.

### HB 753

providing that teachers shall not be required to become members of the New Hampshire retirement system. Inexpedient to legislate. Rep. Cobleigh for Executive Departments and Administration.

If passed, this bill could create chaos in regard to the retirement system.

Rep. Horan requested an explanation of HB 753.

Rep. McLane explained the bill.

Rep. Horan moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Margaret S. Cote spoke against the motion.

Rep. Seamans moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

#### **HB 684**

relative to exceeding appropriations under the municipal budget law. Ought to pass with amendment. Rep. Sununu for Municipal and County Government.

Permissive legislation which applies only to towns which have adopted the provisions of the municipal budget act. The governing body of said towns are permitted by this legislation to transfer unexpended funds, not in excess of \$5,000 from one appropriation to another, without the advice and consent of the budget committee. Present statute is silent as to the amount of unexpended funds which may be transferred.

#### **AMENDMENT**

Amend RSA 32:10 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

32:10 Exceeding Appropriations. In towns adopting the provisions of this chapter, no board of selectmen, school board, commissioners of a village district wholly within said town, or other expending agency shall pay or agree to pay any money or incur any liability involving the expenditure of money for any purpose for which an appropriation has not been made in the budget as approved by the budget committee and approved by

the town, village or district meeting, except for the purpose of paying judgments rendered against the town or school district, or said village district. Provided, however, that in cases arising during the year following the annual meeting where changes occur which make it unnecessary to use the amount appropriated for a specific purpose, an unexpended balance not to exceed the sum of five thousand dollars, may be transferred, without the advice and consent of the budget committee, by the board of selectmen or the school board or the village commissioners of such village district from one appropriation to another, provided the total amount expended for all purposes does not exceed the total amount appropriated at the town, school, or village district meeting for all purposes.

Amendment adopted.

Ordered to third reading.

#### **HB 777**

relative to the combined office of town clerk-tax collector. Ought to pass. Rep. Randlett for Municipal and County Government.

Permissive legislation to clarify the time of taking office, when the office of town clerk and tax collector has been combined into one position by vote of the legislative body. Legislation is particularly needed for those cases in which the town clerk and tax collector have previously been elected for three year terms, and the terms are non-coterminous.

Ordered to third reading.

#### **HB 743**

relative to the dispensing of controlled drugs. Ought to pass. Rep. Barbara C. Thompson for Public Health and Welfare.

This bill provides that professional associations or corporations, engaged in the group practice of medicine, are added to those who shall not possess or dispense controlled drugs, without first obtaining a license from the division of public health services of the department of health and welfare.

Ordered to third reading.

**HB 669**

relative to the use of power boats on Smith Pond in Enfield. Inexpedient to legislate. Rep. Clafin for Resources, Recreation and Development.

Committee feels this problem best dealt with through the public hearing by safety services route.

Resolution adopted.

**HB 671**

prohibiting the use of motorboats on Willard Pond in Antrim. Ought to pass. Rep. Clafin for Resources, Recreation and Development.

Committee felt an unusually favorable ecological situation should be preserved.

Ordered to third reading.

**HB 648**

relative to arrest without a warrant by law enforcement officers. Inexpedient to legislate. Rep. Daniel J. Healy for Judiciary.

Now misdemeanor must be committed in presence of officer. This bill sets up same reasonable cause standards as in arrest for felonies. Committee felt that it was too open to abuse.

Resolution adopted.

**HB 655**

authorizing a court to designate the type of officer to whom a capias may be directed for service. Ought to pass. Rep. McManus for Judiciary.

Broadens law so that court may authorize officers other than county sheriffs to effect arrests in civil cases wherein a violation of a court order is involved. Recommended by Judicial Council.

Ordered to third reading.

**RECONSIDERATION**

Rep. Haller moved Reconsideration on HB 627, to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession.

Reps. Dwyer, Chamberlin and Sara M. Townsend spoke in favor of reconsideration.

(discussion)

Rep. Russell C. Chase spoke against reconsideration.

Rep. Hall non-spoke in favor of reconsideration.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the affirmative, Reconsideration prevailed.

Rep. Townsend moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

Adopted.

Ordered to third reading.

(Rep. Russell C. Chase in the Chair)

Committee of Conference report. Ought to pass. Rep. George B. Roberts, Jr. for Joint Rules.

### COMMITTEE OF CONFERENCE REPORT

The committee of conference to which was referred The Joint Rules, having considered the same report the same with the following recommendation:

That the senate recede from its position of non-concurrence in the joint rules adopted by the house and concur in the adoption of said rules, and

That the senate and house each adopt the following amendments to said rules:

Amend said rules by striking out Rule No. 28 and inserting in place thereof the following:

Rule No. 28 Every bill or resolution in either body making an appropriation shall, after having been placed on second reading and thereafter referred to the respective appropriations committee or finance committee for further consideration, be messaged to the other body in the form of an extra chairman's copy and introduced, put on first and second reading, referred to committee where public hearings may be held. The bill or resolution shall then be held by said committee until final ac-



tion on third reading has been taken by the body into which the bill or resolution was originally introduced. Upon such final passage, the original of said bill or resolution shall be re-introduced into the second body but for purposes of satisfying the rules requiring first and second readings, referral to committee and public hearings, the previous action on said bill or resolution shall be deemed to satisfy those requirements. Thereafter the committee in the second body to whom the bill or resolution was referred shall take action on the bill or resolution from that point according to all other rules of the house of representatives, the senate and the joint rules. If the bill or resolution was amended in the original body on second or third reading, the chairman of the committee to whom the measure was referred in the second body may hold a second public hearing at his discretion but shall not be required to hold a second hearing. This rule may be suspended by either house by majority vote.

Further amend said rules by striking out Rule No. 29 and inserting in place thereof the following:

Rule No. 29 A sponsor of any bill or joint resolution referred to a committee of conference shall, upon his request, be granted a hearing before said committee prior to action thereon.

Further amend said rules by striking out Rule No. 30.

Sen. Frederick A. Porter  
Sen. Delbert F. Downing  
Sen. C. R. Trowbridge  
Sen. Andrew W. Poulsen  
Sen. Harry V. Spanos  
Conferees on the Part of the Senate

Rep. George B. Roberts, Jr., Chairman  
Rep. Herbert A. Casassa  
Rep. Edna B. Weeks  
Rep. James E. O'Neil, Sr.  
Rep. Russell C. Chase  
Rep. Agenor Belcourt  
Rep. Marcel A. Vachon  
Rep. Ernest R. Coutermarsh  
Conferees on the Part of the House

Rep. Daniell moved that the House nonconcur with the

Committee of Conference Report and that another committee of conference be appointed, and spoke in favor of the motion.

(discussion)

#### POINT OF ORDER

Rep. Sayer rose on a point of order.

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Reps. Gerry F. Parker, Albert C. Jones, Daniel J. Healy, Chris K. Andersen and Sayer spoke in favor of the motion.

Reps. James E. O'Neil, Coutermarsh, Zachos and Spirou spoke against the motion.

(discussion)

Rep. Daniell spoke a second time in favor of the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the negative, the motion lost.

Committee of Conference report adopted.

Rep. Curran wished to be recorded as voting with Rep. Sayer on Joint Rules.

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The Speaker announced Rep. Sweeney would be celebrating his "Jack Benny's" birthday tomorrow.

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Consent Calendar Day Wednesday morning, May 9; regular calendar Wednesday afternoon.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time; that third reading of bills be by title only, and when the House adjourns it adjourn to meet Tuesday next at 11:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 655, authorizing a court to designate the type of officer to whom a capias may be directed for service.

HB 684, relative to exceeding appropriations under the municipal budget law.

HB 777, relative to the combined office of town clerk-tax collector.

HB 743, relative to the dispensing of controlled drugs.

HB 671, prohibiting the use of motorboats on Willard Pond in Antrim.

HB 627, to provide for a county hospital administrator in place of one member-at-large, not a member of the medical profession.

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On motion of Rep. Drake, the House adjourned at 5:30 p.m. in honor of the hard-working Appropriations Committee.

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*Tuesday, 8May73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. Joseph Y. Beaulieu.

**O Lord,** You are not a God of dead but of living people. We ask You who have made us to bless us and keep us alive and well. Receive us when we die, renew us when we grow old, make us open if we become closer to You. We ask You this in the name of Christ. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Drew led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Hammond, Albert C. Jones and Rogers, the day, illness.

Reps. Migneault, Fletcher, Palfrey and Woodward, the week, illness.

Reps. Belcourt and Carter, indefinite, illness.

Reps. Cobleigh and Harrison, the day, important business.

Rep. Slicer, the week, important business.

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Rep. Weeks offered the following:

#### RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 899 through 907 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 899, providing that appeal tribunals shall consist of representatives of employees, employers and the department of employment security; that a chairman shall be selected by the three members from their group, who shall be other than the representative from the department of employment security. (Spirou of Hillsborough Dist. 27 — To Labor, Human Resources and Rehabilitation.)

HB 900, relative to the method of calculating state grants for sewage disposal construction. (Tilton of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 901, relative to the exemptions on real property taxes granted to the blind. (Spirou of Hillsborough Dist. 27 — To Ways and Means.)

HB 902, relative to the servicing of insurance policies by agents and brokers and requiring the vesting of renewal commissions. (Smith of Rockingham Dist. 12 — To Banks and Insurance.)

HB 903, providing for standardization of wastewater treatment facilities design and construction. (Curran of Grafton Dist. 1 — To Resources, Recreation and Development.)

HB 904, relative to the definition of a subdivision. (Parnagian of Strafford Dist. 16 — To Municipal and County Government.)

HB 905, requiring that public schools provide instruction relative to infirmities caused by drugs and venereal disease. (Rules Committee for: Roy of Rockingham Dist. 5; Beaulieu of Rockingham Dist. 5; Gelinas of Hillsborough Dist. 31 — To Education.)

HB 906, relative to the districts for Merrimack county commissioners. (Humphrey of Merrimack Dist. 11 — To Special Committee on Merrimack County Delegation.)

HB 907, relative to the functions, powers and duties of planning boards. (Spirou of Hillsborough Dist. 27 — To Municipal and County Government.)

## SENATE MESSAGES

### CONCURRENCE

HB 407, to abolish the town of Hampton reclamation authority.

HB 579, relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents.

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover.

HB 102, to provide for the repayment of the Vermont Grant for the Lebanon Regional Airport, and making an appropriation therefor.

HB 458, relative to the authority of the state treasurer with respect to certain accounts.

## ACCEDED TO REQUESTS

### FOR COMMITTEES OF CONFERENCE

HB 232, relative to changing the type of notice required to one who has failed to reregister as an eligible voter.

The President appointed Sens. Downing, Foley, Trowbridge, Jacobson and Bossie.



HB 101, relative to aircraft financial responsibility.

The President appointed Sens. Poulsen, McLaughlin, La-  
montagne, Sanborn and Preston.

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CACR 12, Providing that: the Supreme Court by rule of  
court shall determine the value in controversy for the right of  
trial by jury in civil causes.

The President appointed Sens. Bradley, Stephen Smith,  
Bossie, Trowbridge and Downing.

### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 128, relative to recess of a jury in deliberation. Ju-  
diciary.

SB 71, relative to eminent domain procedures. Judiciary.

SB 147, broadening the purposes for which the capital ap-  
propriation of 1971 for dredging of Hampton Harbor may be  
expended. Public Works.

SB 133, making a supplemental appropriation to the New  
Hampshire Racing Commission for harness racing. Appropria-  
tions.

SB 78, relative to representation for indigent neglected  
and abused children. Judiciary.

### ENROLLED BILLS AMENDMENT

HB 341, changing the date for distribution of sweepstakes  
funds.

### AMENDMENT

Amend the title of said bill by striking out the same and  
inserting in place thereof the following:

#### An Act

changing the date for distribution of sweepstakes funds and  
eliminating the distribution of said funds to  
non-public schools.

The clerk read the amendment in full.

Adopted.

## VACATE

Rep. Meserve moved that the House vacate the reference of HB 875, relative to the salaries of the Somersworth City Council, to the Committee on Municipal and County Government and re-refer said bill to the special committee of the Somersworth Delegation.

Adopted.

## EXTENSION

Rep. Benton moved that the committee on Municipal and County Government be granted a six-day extension on SB 28, relative to a bill of rights for mobile home park tenants.

Granted.

## COMMITTEE REPORTS

**HJR 8**

appropriating funds to the Water Resources Board for an erosion control project in Charlestown. Ought to pass. Rep. Drake for Appropriations.

The committee felt it would be less expensive to stop the erosion of the river than to replace the Charlestown lagoon.

At the request of Rep. George B. Roberts, Jr., Rep. Scamman answered questions.

(discussion)

Ordered to third reading.

**HJR 11**

appropriating funds to the New Hampshire American Revolution Bicentennial Commission. Ought to pass. Rep. Drake for Appropriations.

This joint resolution transfers money to the Bicentennial Commission from the Historical Fund or the so-called "Bottle Fund".

Ordered to third reading.

**HJR 18**

making an appropriation for the purchase of a tract of land in Concord, New Hampshire. Inexpedient to legislate. Rep. Drake for Appropriations.

The committee feels that the land is not needed at the present time.

At the request of Rep. Newell, Rep. Raymond answered questions.

Resolution adopted.

### HJR 19

relative to operating expenses and equipment outlay incurred by the University of New Hampshire on behalf of the New Hampshire Network. Inexpedient to legislate. Rep. Drake for Appropriations.

The committee felt that this is not an obligation of the state.

Resolution adopted.

### HJR 25

relative to an appropriation for Murphy House at the Laconia state school and training center. Ought to pass with amendment. Rep. Drake for Appropriations.

The amendment changes the appropriation from fiscal year 1974 to fiscal year 1973.

### AMENDMENT

Amend the bill by striking out all after the resolving clause and inserting in place thereof the following:

That the sum of five thousand dollars is hereby appropriated to the Laconia state school and training center for fiscal year 1973. The appropriation is for the purpose of upgrading the electrical system at Murphy House, prior to the installation of air conditioning units, and shall be in addition to any other funds appropriated for said school. The governor is authorized to draw his warrant for said sum appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Ordered to third reading.

### HB 789

relative to regulation of small loans. Inexpedient to legislate. Rep. Bigelow for Banks and Insurance.

Would work a hardship on the average wage earner when borrowing money for emergency expenses.

Resolution adopted.

**HB 509**

to increase the salaries of state classified employees and making an appropriation therefor. Ought to pass. Rep. McLane for Executive Departments and Administration.

The committee feels that state employees must have a raise. This is the SEA proposal of 5.5% in both fiscal years for classified employees — costing \$10,443,234. It should be considered alongside the A. D. Little salary proposal bill when that is drafted, and with the Governor's proposed 6% pay raise for one year.

At the request of Rep. McDonough, Rep. McLane answered questions.

(discussion)

Rep. George E. Gordon offered an amendment.

The clerk read the amendment in full.

Rep. Gordon explained his amendment.

Reps. McLane, Gerry F. Parker, Roderick H. O'Connor, Spirou, Coutermarsh and George B. Roberts, Jr. spoke against the amendment.

Reps. McDonough and Joseph L. Cote spoke in favor of the amendment.

(discussion)

Rep. Tucker moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Gordon requested a roll call.

Seconded by Reps. Estabrook, T. Anne Webster, Marsh, Lebel and Metcalf.

## ROLL CALL

YEAS: 87   NAYS: 210

## YEAS

## MERRIMACK COUNTY:

Chandler, Boucher, Laurent J., Rice, Gordon, George E.

## ROCKINGHAM COUNTY:

Boucher, William P., Soule, Thibeault, George J., Read, Senter, Goff, Elizabeth E., Vey, Erler, Schwaner, Tavitian, Estabrook, Randall, Twardus, Woods.

## STRAFFORD COUNTY:

Harvey, Colby, Bouchard, Maloomian, Chasse, Peter N., Ineson, Sylvain, Preston, Boisse, Leighton, Bernard, Donnelly, Kincaid, Richardson, Harriett W. B.

## SULLIVAN COUNTY:

Roy, Mary R., Brodeur, D'Amante.

## BELKNAP COUNTY:

Marsh, Twigg, Murray, James W.

## CARROLL COUNTY:

Conley, Allen, Webster, T. Anne.

## CHESHIRE COUNTY:

Whipple, Forcier, Ames.

## COOS COUNTY:

Huggins, Metcalf, Valliere, Lemire, George.

## GRAFTON COUNTY:

Curran, Bradley, Richard L., Clark, Anderson, Fayne E., Krainak, Eaton, Myrl R.

## HILLSBOROUGH COUNTY:

Karnis, Eaton, Clyde S., Knight, Nelson, Coburn, Dwyer, Geiger, Winn, John T., Winn, Cecelia L., Charest, Desmarais, Lachance, Boisvert, Mason, Wilcox, Lebel, Horan, Cote, Joseph L., Barrett, William F., Dupont, McDonough, Clancy, Conway, Sullivan, Mary J., Champagne, Taber, Healy, George T., Thibeault, P. Robert, Lynch, Sweeney, Martineau, Lambert, Lesmerises.



## NAYS

## MERRIMACK COUNTY:

Thompson, Arthur E., Sherman, Bigelow, Parker, Harry C., Deoss, Hanson, Enright, Bartlett, Cushman, Mattice, Thompson, Doris L., Wiggin, Elmer S., Daniell, Fisher, Cate, Haller, Andersen, Chris K., Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Harriman, Wilson, Ralph W., Hager, Noble.

## ROCKINGHAM COUNTY:

King, Stimmell, Benton, Davis, Roy W., Wilson, Helen F., Kashulines, Skinner, Gorman, MacGregor, Belair, Campbell, DeCesare, Roy, Vesta M., Southwick, Stevens, William J., Tuttle, Spollett, Webster, Clarence L., White, Goodrich, Hoar, Sanborn, Simard, Hamel, Akerman, Cunningham, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Stevens, Elliot A., Ellis, Greene, Maynard, Griffin, Splaine, Cotton, McEachern, Joseph A., Call, Connors, Hodgdon.

## STRAFFORD COUNTY:

Dawson, Canney, Rowell, Dudley, Plumer, Joncas, Hebert, Meserve, Tibbetts, Thompson, Barbara C., Ruel, Winkley, LaRoche, Tripp, O'Connor, Roderick H., Parnagian, McManus, Peabody, Pray.

## SULLIVAN COUNTY:

Townsend, Sara M., Barrus, Rousseau, Buckley, Tucker, Burrows, Lewko, Scott, Olden, Wiggins, George I., Williamson.

## BELKNAP COUNTY:

French, Matheson, Nighswander, Wuelper, Bowler, Roberts, Charles B., Roberts, George B., Hood, Hildreth, Randlett, Sabbow, Maguire.

## CARROLL COUNTY:

Howard, Donald K., Cox, Davis, Esther M., Duprey, Davis, Dorothy W., Chase.

## CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Stevens, Anthony, Dunham, Hackler, Savage, Gordon, Anne B., Milbank, Turner, Helie, Wayne E., Heald, Cleon E., Close, Nims, Drew, Scranton.

## COOS COUNTY:

Patrick, Bushey, Hunt, Burns, Richardson, Mabel L., Kidder, Victor L., Oleson, Fortier, Desilets, Brungot, Gagnon.

**GRAFTON COUNTY:**

Gallen, Stevenson, Fimlaid, Jones, Anthony K., Mann, Ezra B., Altman, Warren, Roger K., Buckman, Gemmill, Webb, Bradley, David J., Chambers, Copenhaver, Nutt, Duhaime, Merrill, Townsend, Madeline G.

**HILLSBOROUGH COUNTY:**

Eaton, Joseph M., Humphrey, Howard S., Withington, Heald, Philip C., Warren, E. George, Colburn, Thomson, Harold E., Messina, Perkins, Arnold B., Harvell, Van Loan, Bragdon, Boyd, Hall, Carswell, Lint, Lyons, Alukonis, Bednar, Nutting, Smith, Leonard A., Currier, Seamans, Ethier, Rock, Parker, Gerry F., Trombly, Woodruff, Cote, Margaret S., Gabriel, LeFebvre, McGlynn, Chasse, Romeo A., Ouellette, Coutermarsh, Ainley, Daniels, Zachos, Smith, Craig D., Spirou, Bruton, Cullity, Shea, Gardner, Gelinias, O'Neil, Dortha M., Burke, O'Connor, Timothy K., Vachon, Gillmore, Lamy, Bernier.

Rep. Rich abstained under Rule 16.

and the Gordon amendment lost.

Referred to Appropriations.

**POINT OF ORDER**

Rep. George B. Roberts, Jr. rose on a point of order.

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Rep. Scamman wished to be recorded in favor of the Gordon amendment.

Reps. Gay, Polak, Ladd and Tilton wished to be recorded against the Gordon amendment.

**HB 369**

increasing the salaries of classified state employees and making an appropriation therefor. Inexpedient to legislate. Rep. Roderick H. O'Connor for Executive Departments and Administration.

At a biennial cost of almost twenty million, this bill would have given a flat \$15 a week raise to all classified state employees in the 1974 fiscal year and \$30 in 1975.

Resolution adopted.

**HB 445**

relative to overtime payment for certain classified state employees with arrest powers and making an appropriation therefor. Inexpedient to legislate. Rep. Roderick H. O'Connor for Executive Departments and Administration.

The \$423,848 biennial cost did not seem more justified for these employees than any others.

Resolution adopted.

**HB 501**

providing overtime pay for classified state employees and making an appropriation therefor. Inexpedient to legislate. Rep. McLane for Executive Departments and Administration.

At the cost of \$3,372,700 for the biennium, this bill would have provided time and a half for *all* classified employees, irrespective of grade.

Resolution adopted.

**HB 522**

increasing the salary of the assistant commissioner of safety and making an appropriation therefor. Inexpedient to legislate. Rep. McLane for Executive Departments and Administration.

This bill should be part of a general pay schedule for all non-classified state employees.

Resolution adopted.

**HB 523**

increasing the salary of the director of motor vehicles and making an appropriation therefor. Inexpedient to legislate. Rep. McLane for Executive Departments and Administration.

This bill should be part of a general pay schedule for all non-classified state employees.

Resolution adopted.

**RECESS****AFTER RECESS****EXTENSIONS**

Rep. Vachon moved that the Manchester Delegation be

granted a six-day extension on HB 706, providing for a permanent retirement system for employees of the City of Manchester if adopted on referendum.

Granted.

Rep. Spollett moved that the committee on Interstate Cooperation be granted a six-day extension on HB 320, adopting daylight savings time as the official time of the State of New Hampshire from this time forward.

Granted.

Rep. Claffin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HJR 44, establishing a committee to investigate the water supply and pollution control commission.

Granted.

Rep. Claffin moved that the committee on Resources, Recreation and Development be granted a six-day extension on HB 677, relative to approval for contracts for municipal sewage disposal systems.

Granted.

Rep. Gemmill moved that the committee on Legislative Administration be granted a six-day extension on HB 729, authorizing the general court to apply for and receive federal funds.

Granted.

### SUSPENSION OF RULES

Rep. Claffin moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than six days to the committee on Resources, Recreation and Development on HB 682, limiting the loss of state grants to newly-installed and unaccepted pollution control facilities.

Adopted by the necessary two-thirds.

### VACATE

Rep. McLane moved that the House vacate the reference of HB 894, establishing a plumbing code for the state of New Hampshire, to the committee on Executive Departments and

Administration and re-refer said Bill to the committee on Labor, Human Resources and Rehabilitation.

Adopted.

### SENATE MESSAGE

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 353, requiring registration of halfway houses.

(Amendment printed in SJ May 3)

Rep. Roma A. Spaulding moved that the House concur with the Senate amendment.

Adopted.

#### COMMITTEE REPORTS CONTINUED

##### HB 532

providing for uniform language relative to terms of office and how vacancy is filled in regard to personnel of certain departments, agencies, commissions, compacts, boards and institutions of state government. Ought to pass with amendment. Rep. McLane for Executive Departments and Administration.

This bill was introduced at the request of the Governor and Council to clarify the law on terms of office and vacancies for various boards, commissions and offices.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

##### An Act

providing a definition for terms of appointment and designating certain exceptions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition. Amend RSA 21 by inserting after section 33 the following new section:

21:33-a Terms of Appointment. Whenever a statute provides for appointment to a position in a state office, agency, commission, or board for a term of stated and limited duration by the governor and council or requires approval or confirma-



tion of such an appointment by the governor and council, such statute shall be construed, unless it shall be exempted from the application of this section by language expressly referring to this section, to provide:

I. That the language in such statute creating a term of stated and limited duration shall create a term of the position, not of the appointee thereto, with the first such term, to a position to which no appointment has previously been made, to commence on the date of such appointment, confirmation or approval by the governor and council.

II. That a vacancy in such position shall be filled for the unexpired term, and

III. That an appointee to such position shall serve for the appropriate term or unexpired portion thereof and until his successor is appointed and qualified.

2 Commissioner of Health and Welfare, Exception. Amend RSA 126-A:4 (supp), as inserted by 1961, 222:1, as amended, by inserting at the end thereof the following (The provisions of RSA 21:33-a shall not apply to appointments made under this section.), so that said section as amended shall read as follows:

126-A:4 Commissioner of Health and Welfare. Administrative and executive direction of the department of health and welfare shall be under the direction of a commissioner of health and welfare who shall be appointed by the governor and council from two or more nominees or, if agreeable to the governor, a lesser number of candidates nominated by the advisory commission established by this chapter. He shall hold office for a term of four years from the date of his appointment and until his successor is appointed and qualified. He shall supervise and consult with the directors of divisions in the formulation and establishment of policies for their respective divisions pursuant to section 6 of this chapter. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

3 Directors of Divisions of Public Health and Welfare, Exception. Amend RSA 126-A:6 (supp) as inserted by 1961, 222:1, as amended, by inserting at the end thereof the following (The provisions of RSA 21:33-a shall not apply to appointments made under this section.), so that said section as amended shall read as follows:

126-A:6 Directors of Divisions. There shall be a director of the division of public health services who shall be a physician licensed or eligible for licensure in New Hampshire and who shall have a masters degree in public health, or its equivalent, from an accredited school of public health; a director of welfare who shall be duly qualified through training at an accredited school of social services with emphasis in public welfare administration and at least three years experience in the field of public welfare; and a director of the division of mental health who shall be a physician-psychiatrist licensed or eligible for licensure as an M.D. in New Hampshire and certified or eligible for certification by the American Board of Neurology and Psychiatry. Each director shall be responsible for the administrative and executive direction of his respective division, subject to the approval of the commissioner. Each shall be appointed by the governor and council from two or more nominees or, if agreeable to the governor, a lesser number of candidates nominated by the commissioner of health and welfare only after consultation with the advisory commission and a select committee consisting of persons interested and knowledgeable in the fields of public health, public welfare, or mental health, as the case may be, appointed by the advisory commission. Each shall hold office for a term of four years from the date of his appointment and until his successor is appointed and qualified. Each may, in his discretion, establish advisory committees to assist him in developing divisional programs and policies. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

4 Superintendent of New Hampshire Hospital, Exception. Amend RSA 135:3 (supp), as amended, by 1973, 10:1, by inserting at the end thereof the following (The provisions of RSA 21:33-a shall not apply to appointments made under this section.), so that said section as amended shall read as follows:

135:3 Superintendent. The director of the division of mental health, after consultation with the advisory commission and the commissioner of health and welfare, shall nominate a panel of two or more persons duly qualified through training or experience to serve as superintendent of the New Hampshire Hospital. From this panel the governor and council shall appoint a superintendent who shall serve for a term of four years and until his successor is appointed and qualified. Any vacancy shall be filled for the full four year term in the same manner as

the original appointment. The superintendent shall be responsible for the administrative and executive direction of the New Hampshire Hospital. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

5 Medical Referees, Exception. Amend RSA 611:3 by inserting at the end thereof the following (The provisions of RSA 21:33-a shall not apply to appointments made under this section.), so that said section as amended shall read as follows:

611:3 Term. Medical referees shall hold their office five years from the time of their appointments and each shall continue in office until his successor is appointed and qualified, but may be removed from office by the governor and council at any time for cause. The provisions of RSA 21:33-a shall not apply to appointments made under this section.

6 Effective Date. This act shall take effect upon passage.

Amendment adopted.

Ordered to third reading.

#### HB 469

relative to collective bargaining for state employees and making an appropriation therefor. Refer to Standing Committee on Labor, Human Resources and Rehabilitation for interim study. Rep. Merrill for Labor, Human Resources and Rehabilitation.

Committee feels that this bill requires further study.

Referred to Standing Committee on Labor, Human Resources and Rehabilitation for interim study.

#### HB 584

requiring municipalities to provide unemployment compensation for all permanent employees. Inexpedient to legislate. Rep. Simard for Labor, Human Resources and Rehabilitation.

Municipalities already may elect to be covered. This bill would make it mandatory.

Resolution adopted.

(Rep. Russell C. Chase in the Chair)

**HB 485**

providing for a minimum of eight hours to vote on bond issues. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Legislation precludes the possibility of reconsideration on bond issue vote, at the meeting at which the vote was taken. This legislation is a protective measure, in that there shall be no reconsideration at a late hour, when attendance at the town meeting could well be greatly reduced.

The committee felt strongly that it was the responsibility of each municipality to adjust the hours of discussion and voting on bond issues to its own needs.

**AMENDMENT**

Amend the title to the bill by striking out same and inserting in place thereof the following:

**An Act**

prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Voting on Bond or Note Issues. Amend RSA 33:8-a (supp) as inserted by 1971, 270:1, as amended, by 1973, 25:1, by inserting after paragraph III the following new paragraph:

IV. The vote on a bond or note issue under paragraphs I and II shall be deemed final for the meeting at which the vote was taken, and a motion for reconsideration shall not be valid.

2 Effective Date. This act shall take effect sixty days after passage.

Amendment adopted.

Rep. Read offered an amendment.

(discussion)

Reps. Benton and Belair spoke against the Read amendment.

Reps. Senter and Schwaner spoke in favor of the Read amendment.

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Read amendment lost.

Ordered to third reading.

### **HB 736**

relative to the registration and licensing of barbers. Ought to pass with amendment. Rep. Edward A. Johnson for Public Health and Welfare.

This bill provides that licenses issued to barbers and barber apprentices shall be renewable once every two years rather than once every year. It also provides for increased fees and increase in the per diem compensation of members of barbers' examining and licensing board.

Rep. Dupont moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Rep. John H. Perkins explained the committee report.

(discussion)

Reps. Mary J. Sullivan, Elizabeth E. Goff and Lambert spoke in favor of the motion.

Rep. G. Winthrop Brown moved the previous question.

Sufficiently seconded.

Adopted.

On a vv the Speaker was in doubt and requested a division.

It being manifestly in the affirmative, the motion prevailed.

### **HB 638**

relative to limiting the horsepower of motors on small bodies of water. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.



Committee felt this restriction would be too severe and would damage the boating business unnecessarily.

Rep. Gerry F. Parker moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Reps. Harriman and Patrick spoke in favor of the motion.

Rep. Claflin spoke against the motion.

Rep. Ellis moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

#### **HB 665**

increasing the additonal registration fee on boats for the improvement of dams. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Committee felt desired objective would not be accomplished.

Resolution adopted.

#### **HB 668**

authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station. Ought to pass with amendment. Rep. Claflin for Resources, Recreation and Development.

Provides opportunity for Littleton to acquire allegedly suitable pumping unit with proper safeguards.

Rep. Curran moved that the words, ought to pass, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Pryor and George I. Wiggins spoke in favor of the motion.

Reps. Gallen and Tilton spoke against the motion.

(discussion)

Rep. Kopperl explained the committee report.

Rep. Hanson spoke against the motion.

Rep. Harvell moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Standby Hydraulic Pumping Unit Authorized. The town of Littleton is hereby authorized to make use of a standby hydraulic pumping unit in its Lisbon Road sewer interceptor pumping station; provided, however, that prior approval of the Water Supply and Pollution Control Commission and the selectmen of said town is obtained, and provided further that the installing contractor shall make such financial guarantees as to the satisfactory operation of said unit, as may be required by the Water Supply and Pollution Control Commission and the selectmen.

Amendment adopted.

Ordered to third reading.

The Speaker authorized the remarks of Rep. Kopperl on HB 668, authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station, to be printed in the Journal.

Thank you, Mr. Speaker. I would just like to briefly explain the committee's position on this. What we are being asked to do as a legislature is to alter the conditions under which this pumping station can be built in Littleton. We have been asked to approve, by changing the law, the equipment that can be permitted because under present laws and rules, this equipment cannot be installed. Mr. Curran's proposal has been described to us as something that perhaps has a great deal of merit. It is untried, but it has some possibilities. The committee felt we should explore these possibilities and that is the committee's

amendment that will be before you. What the committee amendment says and I don't think this has been brought out, is that we agree; we change the law but we put certain conditions on it. They are that Mr. Curran must demonstrate to the satisfaction of the selectmen and Water Pollution Commission that his pump will work. If he can satisfy them, he can use it. That is what the committee amendment says and I think we are bending over backwards to accommodate him in this situation. Thank you very much.

### RECONSIDERATION

Rep. Gorman moved that the House reconsider its action in killing HB 748, relative to the definition of accidents for the rating of insurance policies.

Rep. Gorman spoke in favor of Reconsideration.

Rep. Burns spoke against Reconsideration and subsequently withdrew his objections.

(discussion)

Reps. James W. Murray, Dwyer and Joseph L. Cote spoke in favor of Reconsideration.

Rep. Ellis moved the previous question.

Sufficiently seconded.

Adopted.

Reconsideration prevailed.

Rep. Murray moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Burns explained the bill.

Rep. Bednar spoke in favor of the bill.

Rep. Gorman spoke in favor of the motion.

Rep. Nelson moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted.

Ordered to third reading.

## RECONSIDERATION

Rep. Sweeney moved that the House reconsider its action in laying HB 678, to limit the application of rules and regulations affecting day care centers promulgated and enforced by the welfare department, on the table until June 5.

Reconsideration prevailed.

Rep. Sweeney moved that HB 678 be removed from the table.

Adopted.

Rep. Sweeney moved that HB 678 be made a special order of business for June 5, and spoke in favor of the motion.

Adopted.

## RECONSIDERATION

Rep. Daniel J. Healy moved Reconsideration on HB 801, relative to expenses of county investigatory committees.

Reconsideration lost.

(Speaker in the Chair)

## SENATE MESSAGES

## CONCURRENCE

HB 246, relative to reimbursement of certain towns for district court sessions held within such towns.

HB 428, relative to certain relatives' responsibilities in medical assistance cases.

## ADOPTION ENROLLED BILLS AMENDMENT

HB 341, changing the date for distribution of sweepstakes funds.

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The Speaker announced Rep. Hackler is celebrating his birthday today.

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Consent Calendar Day Wednesday morning, May 9; regular calendar Wednesday afternoon.

Rep. Harvell moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that third reading of bills be by title only and resolutions by caption only; and when the House adjourns today it adjourns in honor of the 190th anniversary of the New Hampshire Senate, to meet tomorrow at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third reading and final passage

HJR 8, appropriating funds to the Water Resources Board for an erosion control project in Charlestown.

HJR 11, appropriating funds to the New Hampshire American Revolution Bicentennial Commission.

HJR 25, relative to an appropriation for Murphy House at the Laconia state school and training center.

HB 532, providing a definition for terms of appointment and designating certain exceptions.

HB 748, relative to the definition of accidents for the rating of insurance policies.

HB 485, prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars.

HB 668, authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station.

### RECONSIDERATIONS

Rep. Belair moved Reconsideration on HB 485, prohibiting a motion for reconsideration on bond or note issues of over one hundred thousand dollars.

Reconsideration lost.

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Rep. Claflin moved Reconsideration on HB 668, authorizing the town of Littleton to use a hydraulically operated standby pumping unit in its Lisbon Road sewage pumping station.

Reconsideration lost.



## NOTICE OF RECONSIDERATION

Rep. Roma A. Spaulding served notice that today or some subsequent day she will ask for reconsideration of the House action in killing HB 736, relative to the registration and licensing of barbers.

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On motion of Rep. Sara M. Townsend, the House adjourned at 5:34 p.m.

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*Wednesday, 9May73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain, Rev. Joseph Y. Beaulieu.

Enlarge our souls, O Lord, with divine charity, that hoping all things and enduring all things, we may become agents of Your healing mercy to the grievances and infirmities of men; through Jesus Christ Our Lord. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Meserve led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Schwaner, today and tomorrow, important business.

Rep. Southwick, the day, important business.

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Rep. Brungot offered the following:

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 908 through 913 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading &amp; referral

HB 908, relative to the authority of the Kearsarge lighting precinct. (Rules Committee for: Duprey of Carroll Dist. 2 — To Municipal and County Government.)

HB 909, authorizing a special town meeting of the town of Pittsfield with the authority of an annual town meeting. (Rules Committee for: Perkins of Merrimack Dist. 8 — To Municipal and County Government.)

HB 910, relative to protecting consumers in the sale of consumer goods. (Etheir of Hillsborough Dist. 16 — To Judiciary.)

HB 911, prohibiting the use of outboard motors of more than six horsepower on the Merrymeeting River. (Rules Committee for: Harvey of Strafford Dist. 2; Twigg of Belknap Dist. 4 — To Resources, Recreation and Development.)

HB 912, conforming state pollution control statutes to the federal requirements. (Schwaner of Rockingham Dist. 9; Kopperl of Merrimack Dist. 9; Rousseau of Sullivan Dist. 3 — To Resources, Recreation and Development.)

HB 913, relative to the advertising of liquor and beverages. (McDonough of Hillsborough Dist. 29 — To Liquor Laws.)

## SENATE MESSAGE

## INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 117, establishing a minimum penalty for driving without a license. Judiciary.

## EXTENSIONS

Rep. Chamberlin moved that the joint committee on Fish and Game and Interstate Cooperation be granted a six-day extension on HB 714, to define the offshore jurisdiction of the state and establishing a marine boundaries commission.

Granted.

Rep. Dwyer moved that the Hillsborough County Delegation be granted a six-day extension on HB 715, providing for

the appointment of a Hillsborough County Nursing Home Administrator.

Granted.

Rep. Dwyer moved that the Hillsborough County Delegation be granted a six-day extension on HB 734, relative to the establishment of new positions in the county government of Hillsborough County.

Granted.

## COMMITTEE REPORTS

### HB 782

providing for a referendum for capital expenditures in excess of two hundred thousand dollars for the union school district in Concord. Inexpedient to legislate. Rep. H. Gwendolyn Jones for the Concord Delegation.

The committee feels that a referendum is not the answer to the problem.

Resolution adopted.

### SB 99

relative to the library development program. Ought to pass. Rep. Matheson for Education.

This enabling legislation will allow libraries to enter into cooperatives if they desire. There is no funding connected with this bill.

Ordered to third reading.

### SJR 3

making an appropriation for funds to pay actuary costs to determine the contribution required of the state to include in the state retirement plan. Inexpedient to legislate. Rep. Cushman for Executive Departments and Administration.

This seems to set an unfair precedent in asking the state to pay actuarial costs of a particular group.

Resolution adopted.

### HB 783

relative to trapping and the types of traps permitted. Inexpedient to legislate. Rep. Griffin for Fish and Game.

The committee felt that conibear traps are not much more humane than jump or leg traps.

Resolution adopted.

**HB 690**

to provide that entry fees for small claims actions go to municipality in which the court is regularly located. Ought to pass. Rep. Brungot for Judiciary.

Housekeeping bill. Inadvertently double payment is now being made, holdover from old fee system.

Ordered to third reading.

**HB 695**

relative to interest rates from date of verdict. Refer to the Judicial Council. Rep. H. Gwendolyn Jones for Judiciary.

Provides for interest at ten percent compounded semi-annually from time of verdict for pecuniary damages is granted to date of judgment. Might do away with frivolous appeals, makes them very expensive.

Referred to Judicial Council.

**HB 790**

relative to exemptions from attachments. Inexpedient to legislate. Rep. Alukonis for Judiciary.

Present law is adequate.

Resolution adopted.

**SB 53**

to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist. Ought to pass. Rep. Theriault for Judiciary.

Seventy-five percent of supervisors are making checklists available voluntarily, need a push for other twenty-five percent. Clerk of federal court needs lists for making up jury lists.

Ordered to third reading.

**HB 828**

authorizing the county commissioners to employ legal counsel. Ought to pass. Rep. Romeo A. Chasse for Municipal and County Government.

There may be instances where the county attorney, to whom the county commissioners would normally refer for legal counsel, may be involved in a conflict of interest, or otherwise not available. In these instances it would be appropriate for the county commissioners to have the authority to seek outside legal counsel. Such outside counsel shall not act for commissioners in private legal matters.

Ordered to third reading.

**HB 752**

amending the Rochester city charter to increase the salary of the mayor. Ought to pass. Rep. Barbara C. Thompson for the Rochester Delegation.

Amends Rochester city charter to increase salary of mayor.

Ordered to third reading.

**HB 779**

to require the use of seat belts in school buses. Inexpedient to legislate. Rep. Hamel for Transportation.

Inexpedient report requested by sponsor. Would be difficult to implement at this time.

Resolution adopted.

**HB 807**

permitting the director of the division of motor vehicles to use a facsimile signature on any official document signed by his authority. Ought to pass with amendment. Rep. Hamel for Transportation.

Will relieve the Director of Motor Vehicles from signing routine documents. Amendment makes it effective upon passage.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.



**HB 126**

relative to the room and meals tax. Inexpedient to legislate. Rep. Seamans for Ways and Means.

Meals tax under \$1.00 constitutes 41% of total rooms and meals tax. This bill would mean a loss of revenue of approximately \$2,400,000.

Resolution adopted.

**RECESS****AFTER RECESS****SUSPENSIONS OF RULES**

Rep. Merrill moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Labor, Human Resources and Rehabilitation on HB 558, to foster the establishment of management-employee relations in state government.

Adopted by the necessary two-thirds.

Rep. McLane moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Executive Departments and Administration on HB 549, establishing a New Hampshire housing authority and making an appropriation therefor.

Adopted by the necessary two-thirds.

Rep. McLane moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Executive Departments and Administration on HB 727, establishing a department of Finance, Administration and Revenue, and making an appropriation therefor.

Adopted by the necessary two-thirds.

**VACATE**

Rep. White moved that the House vacate the reference of HB 865, providing for certain motor vehicle privileges free to permanent and totally disabled veterans, to the committee on

Claims, Military and Veterans Affairs and re-refer said Bill to the committee on Transportation.

Adopted.

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Rep. Merrill offered the following:

HOUSE CONCURRENT RESOLUTION NO. 18

memorializing congress on the devastating effect on  
the state of New Hampshire of U.S. Public Law  
No. 92-603, relating to Title 19 of the Social  
Services Act.

*Whereas*, the communities of the state of New Hampshire maintain numerous nursing, convalescent, homes for the aged, hospital and similar facilities; and

*Whereas*, these communities are limited in both the financial support that they can provide and the availability of professional and semi-professional personnel; and

*Whereas*, the requirements of the United States Public Law 92-603, relating to Title 19 of the Social Services Act, when it becomes effective on January 1, 1974, would place a difficult if not impossible burden on most of these communities; and

*Whereas*, due to the mandatory staffing, funding, changes required in the physical plant, and the maintaining of the necessary records, shall mean the possible loss of some of these facilities to the state of New Hampshire; Now Therefore,

*Be It Resolved* by the Senate and House of Representatives, in General Court Convened:

That the provisions of U.S. Public Law 92-603 be modified by the United States Congress to take into consideration the non-availability of professional personnel as required by this law in small communities such as those that comprise the state of New Hampshire and the other facets of the law that would make it virtually impossible for such small communities to meet.

*Be It Further Resolved*, that certified copies of this resolution be forwarded by the secretary of state to members of the New Hampshire congressional delegation, the clerk of the

United States Senate, the clerk of the United States House of Representatives, and to the President of the United States of America.

Referred to Public Health and Welfare.

### COMMUNICATION

May 8, 1973

The Honorable  
James E. O'Neil, Sr.

Dear Mr. Speaker,

I would appreciate very much your kindness in bringing to the attention of the House a suggestion which in future enactment of legislation could prove very useful or helpful to our people.

Today I have signed HB 261 which provides for a uniform fire and safety code. In effect, this adopts by reference a small volume of regulations.

I would like to suggest for the consideration of the House, when working with similar legislation in the future, that they incorporate a section providing that material adopted by reference must be kept on file and available to the public in such readily acceptable places as the Secretary of State's office, the library of the Supreme Court, and the State Public Library.

With kindest regards,  
Meldrim Thomson, Jr.

The clerk read the communication in full.

### COMMITTEE REPORTS CONTINUED

#### HB 816

to require all banks in New Hampshire to pay four percent interest on monies held in escrow accounts. Inexpedient to legislate. Rep. Nims for Banks and Insurance.

Covered by HB 637.

Resolution adopted.

#### HB 730

providing for regional vocational education programs and

making an appropriation therefor. Majority: Ought to pass with amendment; Rep. Rock for Banks and Insurance. Minority: Inexpedient to legislate. (Rep. Horan)

Majority: There is clearly a need for the regional vocational education programs and this bill, if funded, would allow

them a starting point. Amendment includes changing the bonding authorization from thirty-five million dollars to three point five million dollars.

Minority: A general sales or income tax appears necessary to pay for this kind of legislation.

### AMENDMENT

Amend RSA 188-D:3, II, as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

II. Upon completion the constructed facility shall become the property of the school district. Provisions of the site, parking, and other related areas shall be the responsibility of the local community. Nothing shall prohibit the inclusion of the site and related facilities which are not funded as part of construction cost by the state under this chapter from being included in a regular building aid application of the district as provided under 198-A:15.

Amend RSA 188-D:10 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

188-D:10 Construction Appropriation. The treasurer of the state of New Hampshire is hereby authorized to make available to the state board of education for purposes of constructing regional vocational education centers an amount not to exceed three million five hundred thousand dollars. Authorization for expenditure of such funds would be made by the state department of education to the treasurer in accordance with this chapter. The treasurer is authorized to issue bonds in accordance with the provisions of RSA 6-A for the purpose of funding this appropriation.

Rep. Horan moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment.

(discussion)

Reps. Carswell, Gerry F. Parker, Margaret S. Cote, Zachos and George B. Roberts, Jr. spoke against the motion.

Rep. Bushey moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Amendment adopted.

Referred to Appropriations.

### **HB 688**

relative to the use of hovercraft. Inexpedient to legislate.  
Rep. Greene for Environment and Agriculture.

The committee felt (17-2) that more research is needed, and that more demand and/or need ought to be demonstrated, before adding another new off-highway vehicle to the kinds now permitted in the state.

At the request of Rep. Gerry F. Parker, Rep. Greene answered questions.

Rep. Parker moved that HB 688 be recommitted to the committee on Environment and Agriculture, and spoke in favor of the motion.

Rep. McLane explained the bill.

(discussion)

Rep. George I. Wiggins further explained the bill.

Motion lost.

Resolution adopted.

### **HB 487**

providing for merit incentive payments to state employees and funds, and differential compensation for state employees; and making an appropriation therefor. Inexpedient to legislate. Rep. Roderick H. O'Connor for Executive Departments and Administration.

Besides costing \$1,880,484, the merit incentive section of



the bill seemed difficult to work out. The shift differential section (4% pay increase for second shift, 8% for third shift) has merit but should be considered as part of an all-over salary bill.

Resolution adopted.

#### **HB 499**

increasing sick leave benefits for state employees. Inexpedient to legislate. Rep. Roderick H. O'Connor for Executive Departments and Administration.

Sick leave benefits will be covered more appropriately under HB 765, presently in the Labor Committee.

Resolution adopted.

#### **HB 559**

relative to compensation of beneficiaries of law enforcement officers killed in the line of duty; and making an appropriation therefor. Inexpedient to legislate. Rep. Roderick H. O'Connor for Executive Departments and Administration.

Death and disability benefits should be covered under HB 765 and not set up as a special state fund at a cost of \$85,000 a year.

Rep. Tuttle moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

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Rep. Tuttle requested a quorum count.

265 members having answered the call, a quorum was declared present.

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Rep. Tuttle spoke in favor of his motion.

(discussion)

Rep. McLane explained the committee report.

Rep. Roderick H. O'Connor spoke against the motion.

Rep. Zachos moved the previous question.

Sufficiently seconded.

Adopted.

Rep. Tuttle requested a division.

It being manifestly in the negative, the motion lost.

Resolution adopted.

#### **HB 721**

increasing sick leave benefits for conservation officers. Inexpedient to legislate. Rep. Roderick H. O'Connor for Executive Departments and Administration.

Sick leave benefits will cover all state employees under HB 685, not just conservation officers.

Resolution adopted.

#### **HB 733**

relative to detention of tenant's property. Ought to pass. Rep. Anthony Stevens for Judiciary.

Restates existing case law and provides a penalty for violations.

Ordered to third reading.

### **RECONSIDERATION**

Rep. Hanson moved that the House reconsider its action in ordering HB 733 to third reading, and spoke in favor of the motion.

Rep. Stevenson spoke in favor of Reconsideration.

Reconsideration prevailed.

At the request of Rep. Hanson, Rep. Frizzell explained HB 733.

Rep. Hanson moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Rep. Hanson yielded to Rep. Roderick H. O'Connor to answer questions.

(discussion)

Reps. Brungot, George J. Thibeault, Rich and Daniell spoke in favor of the motion.

Reps. Gerry F. Parker and Anthony Stevens spoke against the motion.

Rep. Belair moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested and subsequently withdrawn.

Motion adopted.

#### **HB 701**

relative to appeal bonds in eviction proceedings. Ought to pass. Rep. Buckley for Judiciary.

Removes discriminatory bond requirement on landlord tenant appeals and protects rights of both parties on disputed rents.

At the request of Rep. Chandler, Rep. Frizzell explained the bill.

Ordered to third reading.

#### **HB 737**

providing for premium pay for excess hours. Inexpedient to legislate. Rep. Stevenson for Labor, Human Resources and Rehabilitation.

Committee felt that bill did not accomplish the purposes for which it was intended.

Resolution adopted.

#### **HB 778**

establishing a joint committee on legislative management. Ought to pass with amendment. Rep. Gemmill for Legislative Administration.

The committee unanimously recommends this bill, which it believes will greatly improve the ability of the Legislature to meet the many complex issues facing it. The first part of the bill establishes a joint committee on legislative management; the second section implements the statutory changes recommended by the Zachos committee. The

amendment provides mileage payments for members of the JCLM committee. For further details, refer to the Report on Strengthening Legislative Management, Report of the Legislative Management Study Committee, and the Report on Increasing the Efficiency of the General Court, all of which have been distributed to the members.

### AMENDMENT

Amend RSA 17-E:3 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

17-E:3 Continuity and Mileage of Committee.

I. The committee shall operate and continue in existence both when the legislature is in session and during the interims, including the seven days immediately preceding the assembly of the next legislature.

II. Members shall be paid legislative mileage for attendance at any meeting of the committee or a sub-committee thereof or when on any other authorized business of the committee for all days when so engaged, except days when the legislature is in session.

Rep. Gemmill explained the committee report.

Rep. Gemmill yielded to Rep. Zachos to further explain the committee report.

(Rep. George B. Roberts, Jr. in the Chair)

(discussion)

Rep. James E. O'Neil, Sr. and Coutermarsh spoke in favor of the bill.

Rep. Newell spoke against the bill.

Rep. Merrill moved that the remarks of Rep. Newell be printed in the Journal.

Adopted.

Remarks of Rep. Newell on HB 778

I intend to speak to two facets of this bill:

- 1) The legislature's dwindling control of its own affairs; and
- 2) The abuse of a trust — your trusteeship.

I will briefly comment on one or two efficiency effects of the proposals in HB 778.

Until important aspects of the bill to which I point are improved or changed I do not favor it.

In order that my position may be clear and that my objections are understood in the light I see them, and in which I hope you will see and understand them, I am going back into recent history to the time when precedents began to be pushed into the background.

Since 1959, I have seen an accelerating growth of novel ideas on legislative management, the most sophisticated of which seem to be in high speed toward success today. There are many good features in House Bill 778, but the bill also has features from previous schemes that I have questioned, those that gave, and still give, unbridled power to a few, particularly discretionary power that should remain with the House or Senate or both.

When I stood here, ten years ago, almost to this day, I was objecting to authority being given to four people to make charges against the legislature's appropriations for anything they deemed to be "business of the legislature."

In defense of the proposed law, the Appropriations Committee Chairman asked, "Do you want to say that the House Speaker you elected is a crook?" He missed my point, but I didn't miss his.

I got some comfort from James Langley's editorial comment that "interim agents . . . empowered to spend whatever they wish for whatever they please and after the fact to ask the next legislature to approve such spendings . . . is closing the barn door after the horse has escaped. It isn't crooked, but it is a hell of a way to run a state."

Today, I am no more speaking about our Speaker or about any of those who may be on a Joint Legislative Management Committee than I was speaking about people in the situation ten years ago. I am concerned with a principle of good govern-



ment that I think this bill overlooks in the search for efficiency. I hope you recognize the principle.

As to efficiency, you have experienced some under this year's rules. Efficiency in processing bills seems to have superseded deliberation. Little time in committee is left for deliberation. The handling of this bill is a model for efficiency. House Bill 778 was well studied by the sponsors, but the Committee to which it was referred for hearing didn't have much time for its own study. The committee was in executive session barely two minutes before the previous question was called for and the bill was out. This seems like too little time for the proper exercise of a trustee's duties. I'm afraid that important bills will be mixed with unimportant ones and, because of "efficiency," quality will suffer.

On my point regarding the dwindling control of the legislature over its own affairs, I call to your attention the repeal of sections of law that set salaries of legislative officers or employees, and amendments to others that give power to the Joint Committee to set salaries, instead of the legislature.

The constitution calls for the legislature to name and settle (set salaries) civil positions. Precedent has established that policy for legislative positions as well. I wonder why a common procedure in these matters is now being discontinued. Mason, in his *Manual of Legislative Procedure* says, "A public body cannot delegate its powers, duties or responsibilities to any other persons or groups, including a committee of its own members." (51:1) This bill ignores that axiom. Why?

This bill should set salary ranges for legislative officers or employees just like it does for other branches of the government. The people have as much of a right to know what we do in this branch as well as what we do and require of the other branches of government. There is no excuse for a double standard. That constitutes an abuse of our trust. We will have lost control if this bill passes.

When I look through my reducing glass, the opposite of a magnifying glass, at the Lamprey Report, it looks a lot like the pyramid of personal power that this bill is erecting. We are under the pyramid, not on top of it, as we should be.

Basically, I am proposing that full time positions to serve the legislature be recommended by the Joint Committee, along

with salary ranges and classifications, and that they be put into law; that so-called "such other personnel as are necessary" be approved by each house; that rules of committee procedures be approved by the legislature, that grants or other financial aids be received and expended only with the consent of the legislature, and that all purchases and contracts be made in accordance with present laws and that no exceptions be given to the committee or to either house. (Strike out section 36 of the bill)

Finally, I recommend that all places on the Joint Committee, except those filled by the presiding officers, be elected by the respective houses, believing that they will be more responsive, closer and more sensitive to their houses than appointees.

Reps. Patrick and H. Gwendolyn Jones wished to be recorded in favor of Rep. Newell's remarks.

Amendment adopted.

Referred to Appropriations.

(Speaker in the Chair)

#### HB 464

relative to off-sale permits. Inexpedient to legislate. Rep. Pray for Liquor Laws.

After due deliberation and hearing committee reports:

18 Inexpedient  
3 Ought to pass  
2 Rule 16

Resolution adopted.

#### RECONSIDERATION

Rep. D'Amante moved Reconsideration on HB 464, relative to off-sale permits.

Reconsideration lost.

#### HB 728

relative to physical therapists practice. Ought to pass with amendment. Rep. Beaulieu for Public Health and Welfare.

This bill permits students enrolled in schools or courses in physical therapy and others who have graduated from

approved courses out of state to apply to the board of registered physical therapists to work on a temporary certificate under the supervision and direction of a registered physical therapist.

#### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Physical Therapists in Training. Amend RSA 328-A:2 as inserted by 1963, 146:1, by inserting after the word "hereof" in line five the following (except that these provisions shall not be construed to prohibit students who are enrolled in schools or courses in physical therapy approved by the board of registration for physical therapists from performing such work as incidental to their respective courses of study. Any physical therapist who is a graduate of a school approved by the board, but not registered in this state, may, with the approval of said board upon receipt of application for registration, obtain a temporary certificate from the board to practice physical therapy in this state under the direction and supervision of a registered therapist on a temporary basis for the period intervening between the date of the issuance of the temporary certificate and the date the results of the next scheduled examination for registration is announced. If approved by the board, a temporary certificate shall be issued within ten days of receipt of application for registration. Not more than one such temporary certificate shall be issued to any eligible person.) and by striking out in line six the words "provided, however, that" so that said section as amended shall read as follows:

328-A:2 Registration Required. From and after the effective date of this act, no person shall practice, nor hold himself out as being able to practice physical therapy, nor call himself or use any letters designating himself to be a physiotherapist or physical therapist in this state unless he is registered or otherwise licensed in accordance with the provisions hereof; except that these provisions shall not be construed to prohibit students who are enrolled in schools or courses in physical therapy approved by the board of registration for physical therapists from performing such work as incidental to their respective courses of study. Any physical therapist who is a graduate of a school approved by the board, but not registered in this state, may,

with the approval of said board upon receipt of application for registration, obtain a temporary certificate from the board to practice physical therapy in this state under the direction and supervision of a registered physical therapist on a temporary basis for the period intervening between the date of the issuance of the temporary certificate and the date the results of the next scheduled examination for registration is announced. If approved by the board, a temporary certificate shall be issued within ten days of receipt of application for registration. Not more than one such temporary certificate shall be issued to any eligible person. Nothing herein shall prohibit any person registered or otherwise licensed in this state under any other act from engaging in the practice for which he is registered or otherwise licensed. There is hereby excluded from the provisions of this act all persons, firms or corporations who operate and maintain so-called health centers or similar institutions and who do not diagnose or treat disease but administer massage or provide supervised exercise or engage in other similar activities the purpose or function of which is weight control or bodily relaxation or conditioning.

Amendment adopted.

Ordered to third reading.

#### HB 14

establishing a maximum thirty day residency requirement for voting. Ought to pass with amendment. Rep. Russell C. Chase for Statutory Revision.

Revises the election laws to conform with recent U. S. Supreme Court rulings relative to residency requirements. Eliminates present six month residency, eliminates transfer cards and closes the checklist ten days before election.

#### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

abolishing the six month residency requirement for voting.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Transfer of Voting Residence. Amend RSA 54:12 by striking out said section and inserting in place thereof the following:

54:12 Reports of Transfers. If at any session for correction, the supervisors of the checklist add thereto the name of any person who is transferring his voting residence from another town or ward within this state, they shall by postcard or other suitable means forthwith notify the supervisors of said other town or ward of the name of said person and the fact of his transfer of voting residence. The supervisors receiving such notification shall forthwith remove from the checklist the name of said person. The words supervisors of the checklist shall be construed to include officers under special laws performing like duties.

2 Sessions for Correction of Checklists. Amend RSA 55:8 by striking out said section and inserting in place thereof the following:

55:8 Cities and Towns. In cities and towns, they shall be in session for the correction of the checklist, at some suitable place in the city or town, two days at least before the day of the election, the last of which shall be the Saturday ten days prior to election and upon which all hearings shall be finally closed. The first session shall be upon the third Tuesday next preceding the day of election, and shall be adjourned to such subsequent day or days as will permit all claims to be heard and decided. The names of all persons not qualified to vote on or before said final Saturday session but who shall clearly be qualified to vote on election day, may be added to the checklist on or before said Saturday session. No additions or corrections shall be made after midnight Saturday ten days prior to election day, except as provided in RSA 55:18. Said additions and corrections shall be made to the previously posted checklist on or before midnight on the succeeding Wednesday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of the day, hour and place of each session of the board of supervisors shall be given upon the checklists first posted.

3 Repeal. The following sections of RSA are hereby repealed:

1. RSA 54:8, as amended, relative to voter residence and transfer cards;



II. RSA 55:6, relative to sessions for the correction of checklists in small towns;

III. RSA 55:7, as amended, relative to sessions for the correction of checklists in large towns;

IV. RSA 65:1-a, as inserted by 1965, 258:1, relative to qualification for voting;

V. RSA 65:1-b, as inserted by 1965, 258:1, relative to voting procedure.

4 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

### HB 596

providing for regulation of franchise agreements for the sale of gasoline. Refer to Statutory Revision Standing Committee for interim study and report to next succeeding session of the legislature. Rep. Russell C. Chase for Statutory Revision.

Time is required to study the ramifications of the bill.

Referred to Statutory Revision Standing Committee for interim study and report to next succeeding session of the legislature.

### EXTENSIONS

Rep. Bigelow moved that the committee on Banks and Insurance be granted a six-day extension on HB 607, limiting the right to suit and guaranteeing compensation for medical expenses and lost wages to persons involved in motor vehicle accidents.

Granted.

Rep. Greene moved that the committee on Environment and Agriculture be granted a six-day extension on HB 780, relative to approved subdivision plans.

Granted.

### SUSPENSIONS OF RULES

Rep. Roma A. Spaulding moved that the rules of the House

be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Public Health and Welfare on HB 490, relative to Health Services in Public Schools.

Adopted by the necessary two-thirds.

Rep. Spaulding moved that the rules of the House be so far suspended as to allow the granting of an extension of not more than 6 days to the committee on Public Health and Welfare on HB 477, regulating food service establishments.

Adopted by the necessary two-thirds.

### SPECIAL ORDER

Rep. Cunningham moved that HB 624, relative to filing estimates of business profits tax; HB 174, relative to the taxation of capital gains under the business profits tax; and HB 631, exempting a room used exclusively for meetings from the meals and rooms tax be made a Special Order for tomorrow.

Adopted.

Rep. Zachos moved that HB 696, relating to rate changes by hospital service corporations be made a Special Order for Thursday, May 17.

Adopted.

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The Speaker announced that Rep. Lynch is a grandmother again.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that reading of bills be by title only and resolutions by caption only and all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

### LATE SESSION

Third reading and final passage

SB 99, relative to the library development program.

HB 690, to provide that entry fees for small claims actions go to municipality in which the court is regularly located.

SB 53, to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist.

HB 828, authorizing the county commissioners to employ legal counsel.

HB 752, amending the Rochester city charter to increase the salary of the mayor.

HB 807, permitting the director of the division of motor vehicles to use a facsimile signature on any official document signed by his authority.

HB 701, relative to appeal bonds in eviction proceedings.

HB 728, relative to physical therapists practice.

HB 14, abolishing the six month residency requirement for voting.

## RESOLUTIONS

Rep. Boisvert offered the following:

*Whereas*, we are sorry to learn of the illness of Representative Agenor Belcourt of Nashua, and

*Whereas*, he has been a Member of the General Court for twenty-nine years, therefore be it

*Resolved*, that we, the Members of the House of Representatives in General Court convened, extend our sympathy to Representative Belcourt in his illness and our best wishes for a speedy recovery, and be it further

*Resolved*, that a copy of these Resolutions be transmitted to him.

Unanimously adopted.

Consent Calendar Day Wednesday morning, May 16; regular calendar Wednesday afternoon.

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On motion of Rep. Lynch the House adjourned at 4:30 p.m. to meet tomorrow at 11:00 a.m.

*Thursday, 10May73*

The House met at 11:00 o'clock.

(Deputy Speaker in the Chair)

Prayer was offered by House Chaplain, Rev. Joseph Y. Beaulieu.

**Father**, You have given us so many reasons to place our trust in You. Every good thing of this earth tells us that You are good, and speaks Your love to us. We set our needs before You, knowing that You will hear us. Show us once more Your faithful love by blessing us with Your Son, for He is Your sign to us that You are ever near. We ask You this in His Name. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Boisvert led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Palfrey and Victor L. Kidder, the day, illness.

Rep. Woodruff, the day and next week, important business.

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Rep. Chander offered the following:

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 914 through 923 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading & referral

HB 914, relative to the establishment of a state personnel hearings and appeal board. (Spirou of Hillsborough Dist. 27 — To Executive Departments and Administration.)

HB 915, relative to the maximum gross weight per axle of vehicles or combination of vehicles entitled to use the highways in relationship to length between axles. (Cote of Hillsborough Dist. 19 — To Transportation.)

HB 916, to provide legislative parking space; and making an appropriation therefor. (Rules Committee for: Rep. Davis of Merrimack Dist. 15 — To Public Works.)

HB 917, relative to the revision of city charters. (Rules Committee for: Close of Cheshire Dist. 15 — To Municipal and County Government.)

HB 918, relative to motor vehicles declared to be total losses. (Gallen of Grafton Dist. 1; Piper of Merrimack Dist. 13 — To Transportation.)

HB 919, relative to the acquisition of a dam and water rights on the Winnepesaukee River by the water resources board. (Rules Committee for: Huot of Belknap Dist. 6 — To Resources, Recreation and Development.)

HB 920, relative to taxation of railroads. (Coutermarsh of Hillsborough Dist. 24 — To Ways and Means.)

HB 921, providing for a firefighters collective bargaining and arbitration law. (Coutermarsh of Hillsborough Dist. 24; Hildreth of Belknap Dist. 7 — To Labor, Human Resources and Rehabilitation.)

HB 922, relative to resident hunting privileges. (Simmons of Rockingham Dist. 15; Nelson of Hillsborough Dist. 9; Connors of Rockingham Dist. 21; Twigg of Belknap Dist. 4 — To Fish and Game.)

HB 923, enacting new salary grades for all classified and unclassified employees, establishing uniform overtime for classified employees and making appropriations therefor. (Rules Committee for: McLane of Merrimack Dist. 16; O'Connor of Strafford Dist. 15; Blaisdell of Dist. 10; Jacobson of Dist. 7 — To Executive Departments and Administration.)

#### ENROLLED BILLS REPORT

HB 95, requiring distribution of a list of family planning agencies and services available in New Hampshire with the issuance of every marriage license.



HB 163, relative to the compensation paid to members of county conventions.

HB 456, relative to definition of actuary under the New Hampshire retirement system.

HB 531, relative to election of a town board of assessors.

HB 569, relative to the time of delivery of the county budget statement.

HB 599, amending the zoning authority of the Kearsarge Precinct to include the town of Bartlett.

HB 635, relative to temporary loans under the municipal finance act.

Mabel L. Richardson  
*For The Committee*

## SENATE MESSAGES

### CONCURRENCE

HB 220, relative to the duties of the Merrimack county treasurer.

HB 365, relative to the administration of county jails and houses of correction.

### NONCONCURRENCE

HB 479, relative to the time of installation of town officials.

HB 114, prohibiting persons from seeking or holding the position as a member of the general court and county commissioner at the same time.

HB 431, permitting the election of members to the board of adjustment.

HB 271, providing that lump sum payments under workmen's compensation shall include reasonable attorney's fees.

HB 347, to increase the fees for a recount for a delegate to a national convention.

HB 153, increasing the term of office of the county treasurers, registers of deeds and the registers of probate.

## INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 94, relative to the landlord and tenant relationship. Judiciary.

SB 153, relative to exemptions allowed applicable to legacies and succession tax to non-related persons. Ways and Means.

## EXTENSION

Rep. Gabriel moved that the Nashua Delegation be granted a six-day extension on HB 754, amending the Nashua city charter to provide for a five member board of education elected at large for two year terms.

Granted.

**HB 582**

amending the appropriation for the Winnepesaukee River Basin pollution control program. Ought to pass with amendment. Rep. Drake for Appropriations.

The bill as amended increases the appropriation for the Winnepesaukee River Basin program by \$638,000 for fiscal 1973.

## AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation Amended. Amend 1972, 36:2 by striking out said section and inserting in place thereof the following:

36:2 Capital Appropriation. There is hereby appropriated the sum of one million four hundred thirty-eight thousand dollars for the following purposes:

## I. Land Acquisition.

Franklin area treatment plant site plus easement for associated interceptor facilities and easements for the Winnepesaukee River Basin Inter- ceptor system	\$100,000
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## II. A &amp; E and related expenses.

Upgrading of Laconia T.P. and Winnisquam by-pass	\$283,000
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## III. First stage construction.

Upgrading of Laconia T.P., purchase of all equipment, complete construction of upgrade facilities, conversion and alteration of existing treatment works	\$1,055,000
Total	\$1,438,000

In order to provide funds for said appropriation, the state treasurer is authorized to issue bonds or notes in the amount of one million four hundred thirty-eight thousand dollars in accordance with the provisions of RSA 6-A.

2 Effective date. This act shall take effect upon passage.

Amendment adopted.

Ordered to third reading.

**HB 536**

providing for twenty years retirement for members of group II under the New Hampshire retirement system. Ought to pass. Rep. Roderick H. O'Connor for Executive Departments and Administration.

The committee felt that this bill has merit and should go to Appropriations. Group I should be included but due to the lack of actuarial report, it cannot be at this time. HJR 39, which has gone to Appropriations, will hopefully prevent bills concerning *only* Group I or *only* Group II from coming before the legislature. The actuarial study authorized by HJR 39 will work to correct inequities in the system and inequities between Group I and Group II.

Rep. Martineau moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

(discussion)

Rep. Cushman explained the committee report.

Reps. George I. Wiggins, Daniell and Cobleigh spoke in favor of the motion.

Reps. Gorman, Burns, Hanson and Huot spoke against the motion.

Rep. Charles B. Roberts moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the affirmative the motion prevailed.

#### HB 685

relative to annual, sick and personal leave for state employees. Ought to pass with amendment. Rep. Roderick H. O'Connor for Executive Departments and Administration.

The bill increases the amount of annual leave state employees will be allowed and makes the amount dependent upon the length of service. The only change in the sick leave provision of the bill is in the length of accrual. The bill also provides for employees to receive a portion of their sick leave accrual at either separation from state service or when they retire, instead of their death.

The amendment changes the word forty to thirty-seven and one-half hours since that is the standard work-week for most employees. The amendment also removes the section pertaining to personal leave.

Rep. George E. Gordon spoke against the amendment.

#### POINT OF ORDER

Rep. George B. Roberts, Jr. rose on a point of order.

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Rep. Roderick H. O'Connor explained the bill.

(discussion)

Rep. Dupont moved the previous question on the committee amendment.

Sufficiently seconded.

Adopted.

Amendment lost.

Rep. Gordon moved that HB 685 be indefinitely postponed and spoke in favor of the motion.

Rep. O'Connor spoke against the motion.

Motion adopted.

#### **SB 49**

relative to prohibited conduct of real estate brokers and salesmen. Ought to pass with amendment. Rep. Hoar for Executive Departments and Administration.

Bill more clearly defines statutory rules of conduct and the amendments clear up wording and further define the year required before licensure as a broker.

Rep. Nelson moved that the words, ought to pass with amendment (Nelson amendment) be substituted for the committee report, ought to pass with amendment.

#### **COMMITTEE AMENDMENT**

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### **AN ACT**

relative to prohibited conduct of real estate brokers and salesmen and licenses of real estate brokers and salesmen.

Amend RSA 331-A:6-b, XII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XII. Failing to furnish a copy of any listing, sale, lease, or other contract relevant to a real estate transaction to all signatories thereof without delay, or

Amend RSA 331-A:6-b, XIV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XIV. Failing to disclose to an owner his intention or true position if he directly or indirectly through a third party, purchases for himself or acquires or intends to acquire any interest in or any option to purchase property which has been listed with his office to sell or lease, or

Amend the bill by striking out all after section 1 and inserting in place thereof the following:



2 Qualifications for Real Estate Brokers. Amend RSA 331-A:4-c, IV (supp), as inserted by 1965, 319:2, as amended, by striking out said paragraph and inserting in place thereof the following:

IV. No application to take the examination for a broker's license shall be accepted unless the applicant has been employed by an active broker for at least one year full-time or two thousand hours part-time as a licensed salesman in this state or another state, or shall have furnished to the commission proof of experience equivalent thereto.

3 Definition. Amend RSA 331-A:1 (b) by striking out in line five the words "or collects, rents" and inserting in place thereof the following (or collects rents) so that said paragraph as amended shall read as follows:

(b) The term "broker" shall mean any person who for a fee, commission or other valuable consideration, or with the intent or expectation of receiving the same, negotiates or attempts to negotiate the listing, sale, purchase, exchange or lease of any real estate or of the improvements thereon, or collects rents or attempts to collect rents, or advertises or holds himself out as engaged in any of the foregoing activities. The term "broker" also includes any person employed by or on behalf of the owner or owners of real estate to conduct the sale, leasing, or other disposition thereof at a salary or for a fee, commission or any other consideration; it also includes any person who engages in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby he undertakes primarily to promote the sale of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both.

4 Suspension or Revocation of Licenses. Amend RSA 331-A:7 (supp), as amended by striking out in line ten the words "his business as such broker or salesman." and inserting in place thereof the following (any real estate transaction conducted by a licensed real estate broker or salesman whether acting as a broker or principal, or of any prohibited act contained in 331-A:6-b.) so that said section as amended shall read as follows:

331-A:7 Suspension or Revocation of License. Full power to revoke or suspend licenses granted under the provisions of

this chapter shall be vested in the commission subject to the provisions of review by the superior court upon reasonable appeal as set forth in this provision. The commission may, upon complaint or upon its own motion, after reasonable notice of the charges in writing and a hearing thereon, revoke the license of any broker or salesman, or suspend such license for such period as may be just upon finding that such licensee has been guilty of any unlawful, dishonest, deceitful or fraudulent conduct in connection with any real estate transaction conducted by a licensed real estate broker or salesman whether acting as a broker or principal, or of any prohibited act contained in RSA 331-A:6-b. The commission shall give the licensee at least fourteen days' written notice, prior to the date of hearing, of the charges to be heard by it, and shall afford such licensee an opportunity to be heard in person or by counsel in reference thereto. The hearings on such charges shall be at such time and place as the commission shall prescribe. The commission shall have the power to subpoena and bring before it any person or any relevant records or documents in this state or to take testimony by deposition, in the same manner as is prescribed by law in judicial proceedings. Said commission shall keep a complete stenographic record of its proceedings in such cases. For this purpose the commission is authorized to employ a temporary reporter and fix his compensation and the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated. The commission is authorized to charge the broker or salesman a reasonable fee for any copies of said transcript furnished him. Sheriffs and witnesses shall receive the same fees for the service of process and attendance before the commission as are paid sheriffs and witnesses in matters pending before the superior court. The determinations of the commission shall be in writing and officially signed by the chairman, or acting chairman. The original of such determinations, when so signed, shall be filed in the office of the commission and copies thereof shall be mailed to the broker or salesman, addressed to his place of business, and to the complainant, if any, within two days after filing thereof. The action of the commission in revoking or suspending a license shall be subject to appeal to the superior court at the instance of the licensee, within thirty days after the filing of the commission's decision. An appeal shall suspend the commission's decision. The appeal shall be tried in the superior court

de novo without jury. The superior court may affirm, reverse, or modify the commission's decision, as justice may require.

5 Effective Date. This act shall take effect sixty days after its passage.

### SUSPENSION OF RULES

On motion of Rep. Nelson the rules of the House were sofar suspended as to dispense with the reading of the amendment.

Rep. Nelson explained the amendment.

(discussion)

### POINT OF ORDER

Rep. George B. Roberts, Jr. rose on a point of order.

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Reps. Harvell and George B. Roberts, Jr. spoke against the Nelson amendment.

Rep. Nelson withdrew his amendment.

Reps. Lambert and Hoar moved the previous question on the committee amendment.

Sufficiently seconded.

Adopted.

Amendment adopted.

Ordered to third reading.

### RECESS

### AFTER RECESS

### SENATE MESSAGE

### CONCURRENCE HOUSE BILL WITH SENATE AMENDMENT

HB 565, requiring only motor vehicle accidents where damages are two hundred dollars or above to be reported.

(Amendment printed in SJ May 9)

Rep. Hamel moved that the House nonconcur and that a committee of conference be established.

The Speaker appointed Reps. Hamel, Bartlett, Meserve, Woods and Lebel.

### COMMITTEE REPORTS CONTINUED

#### HB 765

providing full pay to State employees, not to exceed one year, during a total disability resulting from a work-connected accidental injury. Ought to pass with amendment. Rep. Stevenson for Labor, Human Resources and Rehabilitation.

This bill provides that permanent classified state employees, if totally disabled from a work-connected accidental injury, are to receive full pay for a period up to one year from the time of disability. After this period is over, the individual is then entitled to workmen's compensation benefits provided under RSA 281, and, if the employee chooses, sick or annual leave benefits.

### AMENDMENT

Amend RSA 99:2, e as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

e. Other provisions of law notwithstanding, classified state employees who are totally disabled as the result of work-connected accidental injury shall, as a supplement to workmen's compensation benefits under RSA 281, be entitled to full pay, subject to payroll deductions, for a period of disability not to exceed one calendar year, beginning with the first day of disability, payable on existing pay days. Thereafter, in the event such total disability continues, said employees shall be entitled to all workmen's compensation benefits under RSA 281, and by election of said employees, to sick or annual leave benefits, except that the combination of workmen's compensation and sick or annual leave benefits shall not exceed such employees' full pay, subject to payroll deductions with respect to sick or annual leave benefits.

Amendment adopted.

Referred to Appropriations.

**HB 760**

to authorize towns to appropriate money for programs on the aging. Ought to pass with amendment. Rep. Benton for Municipal and County Government.

Permissive legislation to enable municipalities to appropriate funds for programs to benefit the aging. Also permits funding for a non-profit agency to conduct programs for the aging within a municipality.

**AMENDMENT**

Amend RSA 167-A:10, as inserted by section 1 of the bill, by striking out same and inserting in place thereof the following:

167-A:10 Establishment and Support of Programs by a Municipality. Any city, county or town may establish programs for the aging within their respective areas and such programs may be administered by appropriate existing offices or departments, or new offices or departments, of such governmental units. A city, county or town may raise and appropriate funds for programs for the aging thus established, and for the administration thereof. Any city, county or town may raise and appropriate funds to assist or fund in whole or in part nonprofit corporations or agencies for programs for the aging and the administration thereof, with the advice of the state council on aging.

Amendment adopted.

Ordered to third reading.

**HB 821**

providing that no contract shall be made with the state or its political subdivisions until money has been appropriated therefor. Inexpedient to legislate. Rep. Randlett for Municipal and County Government.

Bill is excessively restrictive, with no consideration for procurements of an emergency nature. Several state agencies, who effect large dollar volume procurement, expressed opposition to this legislation.

Resolution adopted.

**HB 355**

providing that a test showing a blood alcohol content of



ten-hundredths percent or over shall be conclusive evidence of intoxication in cases of driving while intoxicated. Inexpedient to legislate. Rep. Hamel for Transportation.

This bill would not allow any discretion by the judge. Present law is working well.

Resolution adopted.

#### **HB 159**

providing exemptions from the income tax on interest and dividends. Majority: Inexpedient to legislate; Rep. Canney for Ways and Means. Minority: Ought to pass. (Reps. Chandler and Splaine)

Majority: The exemptions to be granted by this bill for those over sixty-five were considered by the majority of the committee to be unreasonable.

Minority: Persons over sixty-five years of age will be allowed an exemption of \$1000. while all others will be allowed an exemption of \$800. This is an increase from the present \$600. exemption for all persons. This is the least the state legislature will allow.

Reps. Splaine and Chandler non-spoke in favor of the bill.

Resolution adopted.

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Rep. Sayer moved that HB 311, increasing the exemption for persons over sixty years of age on interest and dividends, be made a Special Order for Tuesday next and spoke in favor of the motion.

Adopted.

#### **HB 254**

specifying certain deductions which must be allowed proprietorships and partnerships in calculating the business profits tax. Majority: Inexpedient to legislate; Rep. Cunningham for Ways and Means. Minority: Ought to pass. (Rep. Chandler)

Majority: This bill makes no substantive change in the present law to provide an effective solution to the problem posed by the sponsor. In cases where disagreement between

the taxpayer and business profits tax division, arises, the law provides fair adjustment and appeal procedure. The vote of the committee was fifteen for Inexpedient and one Opposed.

Minority feels that it should be compulsive rather than discretionary to allow expenses.

Rep. Chandler moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Cate spoke in favor of the motion.

Rep. Sayer explained the committee report.

Rep. Sayer yielded to Rep. Cunningham to answer questions.

Rep. Nutt spoke against the motion.

Motion adopted.

Referred to Appropriations.

The Speaker called for the Special Order on:

### **HB 624**

relative to filing estimates of business profits tax. Inexpedient to legislate. Rep. Cunningham for Ways and Means.

The Business Profits Tax Division has received only two complaints concerning this problem and the vast majority of business organizations now filing declaration of estimated taxes and making payments thereon have become fully acquainted with the requirements and it would cause mass confusion to make a change after three (3) years of implementation. Therefore, the committee recommends that HB 624 is inexpedient to legislate.

Rep. Cunningham explained the committee report.

Rep. Clark moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

(discussion)

Rep. Lawton spoke in favor of the motion.

Rep. Nutt spoke against the motion.

Rep. Cunningham moved that HB 624 be recommitted to the committee on Ways and Means, and spoke in favor of the motion.

Rep. Clark requested a division and subsequently withdrew his request.

Recommitted to the committee on Ways and Means.

#### **HB 174**

relative to the taxation of capital gains under the business profits tax. Inexpedient to legislate. Rep. Cunningham for Ways and Means.

Business Profits Tax subcommittee, May 2, 1973 action:

This bill allows an erosion of the tax base. There is also a court case pending on this issue. The committee recommends that this bill be reported inexpedient to legislate.

Rep. Saggiotes moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate.

(discussion)

Rep. Saggiotes yielded to Rep. Bednar to answer questions.

Reps. Nutt, Harvell and Sayer spoke against the motion.

Rep. Nelson spoke in favor of the motion.

Reps. Lambert and Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Resolution adopted.

#### **HB 631**

exempting a room used exclusively for meetings from the meals and rooms tax. Inexpedient to legislate. Rep. Anne B. Gordon for Ways and Means.

It would cause major bookkeeping problems for many hotels and motels.

Rep. Chandler moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Sayer moved that HB 631 be indefinitely postponed and spoke in favor of the motion.

(discussion)

Rep. Gerry F. Parker spoke in favor of the motion.

Reps. Nardi and Elmer L. Johnson spoke against the motion.

Rep. Gemmill moved the previous question on all pending motions.

Sufficiently seconded.

Adopted.

HB 631 indefinitely postponed.

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Rep. Metcalf offered the following:

#### HOUSE RESOLUTION 14

memorializing the United States Congress of the inequities created for Veterans of World War I by the Social Security increase.

*Whereas*, the veterans of World War I comprise a significant segment of our senior citizens; and

*Whereas*, most of these veteran senior citizens are solely dependent upon either their retirement pensions, social security benefits or modest incomes from other sources; and

*Whereas*, the veterans of World War I headquarters has been inundated with mail protesting the recent cutback in veterans pensions and in many cases the pension terminated entirely due to the twenty percent social security increase; and now

*Therefore be it resolved* by the House of Representatives, in General Court convened:

That the United States Senate and the United States House of Representatives be memorialized that the six hundred dollar

income they received last year, and to waive the social security permit the greater portion of these veterans to have the same income they received last year and to waive the social security or railroad retirement twenty percent increase as accountable for pension purposes.

*Be it Further Resolved* that certified copies of this resolution be forwarded by the Speaker of the House to the New Hampshire congressional delegation, the clerk of the United States Senate, the clerk of the United States House of Representatives and to the President of the United States of America.

The clerk read the resolution in full.

Rep. Metcalf explained the resolution.

Adopted.

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Rep. Gemmill offered the following:

#### HOUSE RESOLUTION NO. 15

*Whereas*, Fifteen New Hampshire students have served the legislature as interns during the past four months; and

*Whereas*, These interns have served with diligence, industry, and faithfulness and have done much useful work for the committees and individual members; and

*Whereas*, These interns must now return to their colleges and universities for final examinations;

*Now Therefore, Be It Resolved*, by the House of Representatives: That the House of Representatives extends its thanks and good wishes to the interns.

The clerk read the resolution in full.

Adopted.

#### HB 574

relative to advanced registered nurse practitioners. Ought to pass with amendment. Rep. Elizabeth E. Goff for Public Health and Welfare.

This bill establishes the category of Advanced Registered Nurse Practitioner.

Amendment lost.



Rep. Cotton moved that HB 574 be indefinitely postponed and spoke in favor of the motion.

Rep. Daniell spoke against the motion.

Rep. David J. Bradley moved that HB 574 be recommitted to the committee on Public Health and Welfare and spoke in favor of the motion.

Reps. Cotton and Coutermarsh spoke against the motion.

Reps. Brungot, Knight, Mary J. Sullivan, Sara M. Townsend and Helen F. Wilson spoke in favor of the motion.

(discussion)

Rep. Lambert moved the previous question on the motion to recommit.

Sufficiently seconded.

Adopted.

HB 574 recommitted to committee on Public Health and Welfare.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that reading of bills be by title only and resolutions by caption only and all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 582, amending the appropriation for the Winnepesaukee River Basin pollution control program.

SB 49, relative to prohibited conduct of real estate brokers and salesmen, and licenses of real estate brokers and salesmen.

HB 760, to authorize towns to appropriate money for programs on the aging.

Consent Calendar Day Wednesday morning, May 16; regular calendar Wednesday afternoon.

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On motion of Rep. Hanson the House adjourned at 5:10 p.m.

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## *Tuesday, 15May73*

The House met at 11:00 o'clock.

Prayer was offered by Guest Chaplain Rev. Charles L. Banks of West Swanzey.

**O God our Father,** You have given to us many gifts, food and water, clothing and shelter. You have raised us up to be leaders of this State and our various communities. You have blessed us with various gifts which can enlarge our vision and guidance for our fellow man. We would admit our dependence upon Thee for courage and insight that affect our fellow mankind. We continually seek Thy guidance into solutions that will help those we serve.

**Dear God,** help us to remember who we are and to whom we belong and the cause we serve. Help us to remember that we make many mistakes, sometimes we are strangers to one another, however, help us never to be a threat to our fellow man. Give to us enlarged faith in our State and faith in the people we serve. As each of us make many decisions, enlarge our trust in what we decide, courage to commit our actions and share our relationships with one another.

**Our Father,** grant us courage to face each day and each issue with the fullest assurance that what may be decided will be not for personal gain but rather for the countless people of this state and country that will bring confidence in our leaders, in our government, and especially confidence in the people we all serve. Bless our State, Bless those who represent the people, and Bless those who serve in spiritual matters. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Desilets led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Rep. Goodrich, the day, death in family.

Rep. Hunt, the day, illness in family.

Rep. Bowler, the day, illness.

Rep. Palfrey, today and tomorrow, illness.

Reps. Woodward and Cummings, the week, illness.

Reps. Forcier and Whipple, the day, important business.

Rep. Underwood, the week, important business.

Rep. Bouchard, two weeks, important business.

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Rep. Cobleigh offered the following:

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 924 through 930 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 924, requiring prior governor and council approval of contracts by the water supply and pollution control commission and of state or federal payments as part of the cost of municipal sewage disposal facilities. (Lawton of Belknap Dist. 1; Curran of Grafton Dist. 1 — To Executive Departments and Administration.)

HB 925, relative to preparation of budget for university of New Hampshire. (Lawton of Belknap Dist. 1 — To Education.)

HB 926, relative to holders in due course. (Gelinas of Hillsborough Dist. 31 — To Judiciary.)

HB 927, relative to valuation of real estate for exemption for persons seventy years or over. (Buckley of Sullivan Dist. 4 — To Ways and Means.)

HB 928, relative to the sale of brook trout raised outside of the state. (Rules Committee for: Rep. Boucher of Merrimack Dist. 6 — To Fish and Game.)

HB 929, relative to the issuance of special license plates. (Coutermarsh of Hillsborough Dist. 24 — To Statutory Revision.)

HB 930, to amend the Lebanon city charter, and to provide for election of Lebanon school district officers at city elections. (Merrill of Grafton Dist. 14; Duhaime of Grafton Dist. 14 — To Special Committee: Lebanon Delegation.)

#### SENATE MESSAGES NONCONCURRENCE

HB 746, relative to the date of annual town meetings.

#### CONCURRENCE

HB 707, providing that the flag of the United States shall be displayed and flown at polling places.

HB 724, relative to reporting new owners of mobile homes.

HB 735, to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance.

HB 315, revising the method of payment of the debt service and maintenance of the women's dormitory at New Hampshire Technical Institute in Concord.

#### CONCURRENCE HB WITH SENATE AMENDMENT

(Amendment printed in SJ May 10)

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

Rep. Drake moved that the House concur with the Senate amendment.

Adopted.

## INTRODUCTION OF SB &amp; SJR

SB 134, relative to insurance holding companies and regulating the use of company names. Banks and Insurance.

SJR 15, establishing an interim committee to study RSA 79 and the performance of the yield tax. Ways and Means.

## ENROLLED BILLS REPORT

HB 102, providing for the disposition of accumulated interest on funds collected pursuant to 1969, 391:1 and for the repayment of the Vermont grant for the Lebanon Regional Airport ;and making an appropriation therefor.

HB 297, relative to the standardization of reports of state agencies and the distribution of state publications.

HB 349, relative to a census of persons as of April first and a separate listing of homestead residence property.

HB 364, removing limitation on the right of dependents to recover for wrongful death.

HB 407, to abolish the town of Hampton municipal development authority.

HB 458, relative to the authority of the state treasurer with respect to certain accounts.

HB 579, relative to abolishing the words bastard, illegitimate and born out of wedlock and substituting children born of unwed parents.

HB 220, relative to the duties of the Merrimack county treasurer.

HB 246, relative to reimbursement of certain towns for district court sessions held within such towns.

HB 341, changing the date for distribution of sweepstakes funds and eliminating the distribution of said funds to non-public schools.

HB 353, requiring registration of halfway houses.

HB 365, relative to the administration of county jails and houses of correction.



HB 428, relative to certain relatives' responsibility in medical assistance cases.

HB 724, relative to reporting new owners of mobile homes.

SB 53, to provide the clerk of the federal district court for the district of New Hampshire with a copy of the checklist.

SB 99, relative to the library development program.

Maurice W. Read  
*For The Committee.*

### ENROLLED BILLS AMENDMENT

HB 199, requiring spark arrestors on motor vehicles operating in woodlands without snowcover.

### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

#### An Act

requiring suitable exhaust systems on motorized vehicles and equipment operating in woodlands without snowcover.

The clerk read the amendment in full.

Amendment adopted.

### VACATE

Rep. Hamel moved that the House vacate the reference of HB 929, relative to the issuance of special license plates, to the committee on Statutory Revision and re-refer said bill to the committee on Transportation.

Adopted.

### EXTENSION

Rep. Hamel moved that the committee on Transportation be granted a six-day extension on SB 18, requiring reflectorized number plates on motor vehicles.

Granted.

The Cheshire County Delegation Committee offered the following:

#### HOUSE RESOLUTION 16

*Resolved* by the House of Representatives:

*Whereas*, there is pending before the House of Representatives House Bill 711, an act relative to the location of the proposed Cheshire County courthouse, and

*Whereas*, said bill provides for a courthouse to be located at Fuller Park, on county land in the city of Keene, notwithstanding any zoning ordinance, and

*Whereas*, the city of Keene has enacted a zoning ordinance which would prohibit the location of a courthouse at said location, and

*Whereas*, questions have arisen as to the need for the proposed act. Now, therefore be it

*Resolved*, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

Is a statute such as House Bill 711 necessary or is a county exempt from compliance with zoning ordinances of a town or city?

*Be it further resolved* that the Speaker transmit seven copies of this resolution and seven copies of House Bill 711 to the clerk of the supreme court for consideration by said court.

The clerk read the resolution in full.

Adopted.

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#### INTRODUCTION OF HOUSE CONCURRENT RESOLUTION 19 First, second reading and referral

Rep. Milbank offered the following:

#### HOUSE CONCURRENT RESOLUTION 19

regarding allocation of funds for the highway department and priorities for disbursement thereof.

*Whereas*, the highway department is requesting bond issues to carry out its programs of 4-lane extensions in the present biennium, thus obligating the state and taxpayers for the ultimate payment, and

*Whereas*, the highway department is requesting \$3,600,000 each year of the biennium in the category of "road betterment" applying to primary and secondary state roads, and

*Whereas*, construction of 4-lane highways benefits in a major degree trucking and out-of-state motorists, while the state's lesser road systems are used every day of the year by the residents of the state, and

While recognizing the need of an adequate network of reasonably high-speed roads to serve the people's convenience and the state's economy, but rejecting the correlative that roads, per se, should greatly change the essential character of the state as it now is,

*Be It Resolved* by the senate and house of representatives in general court convened:

That it be made known to the highway department that priorities of highway expenditures be established as follows:

1. That while extensions of present 4-lane highways may, in isolated cases, be necessary, no new 4-lane road projects in New Hampshire be laid out or funded for a period of four years;

2. That new, higher-speed roads laid out and constructed in this period be limited to two lanes with truck passing lanes on hills as prudence dictates;

3. That planning and fiscal emphasis in these four years be placed on the so-called "road betterment" program for primary and secondary roads in response to the manifest needs of our own citizens;

4. That any network of higher-speed roads reflects both the needs of the economy and the scenic and environmental impact on areas such as Franconia Notch, the Monadnock quadrant and others of irreplaceable beauty to be scrupulously protected for the values they contribute to the state as a whole;

5. That, because the highway department is at present studying routes for higher-speed highways which bisect areas

described in 4 (above), there is hereby established a committee consisting of three representatives appointed by the speaker, three senators appointed by the president, and one planner appointed by the governor and council, which shall advise, consult with and assist the commissioner of public works and highways to carry out the purposes and intent of this resolution.

The clerk read the resolution in full.

Referred to Public Works.

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Reps. Helen F. Wilson and Donald K. Howard offered the following:

### RESOLUTIONS

*Whereas*, we have learned with sorrow of the death of Karl J. Persson, former Representative from Candia, and

*Whereas*, Karl J. Persson served his community faithfully and with honor, therefore be it

*Resolved*, that we, the members of the House of Representatives in General Court convened, do hereby extend our sympathy to the family of Karl J. Persson, and be it further

*Resolved*, that a copy of these resolutions be transmitted to his family.

Unanimously adopted by a rising vote and a minute of silent prayer.

### COMMITTEE REPORTS

#### HB 577

relative to child placing and the care of children. Ought to pass. Rep. Drake for Appropriations.

Does not affect state finance.

Ordered to third reading.

#### HB 612

imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer. Ought to pass. Rep. Drake for Appropriations.

No affect on state revenue.

Ordered to third reading.

**HB 768**

relative to withdrawals from savings deposits. Majority: Ought to pass with amendment; Rep. Dwyer for Banks and Insurance. Minority: Inexpedient to legislate. (Reps. Nims, Bigelow, Deoss, Helie, Burrows and Elmer S. Wiggin)

Majority: Allows savings banks to have "NOW" accounts under comparable terms as apply to commercial banks.

Minority: For all practical purposes this bill kills the 4000 "NOW" accounts that exist in the state at this present time and penalizes the 184, 197 regular accounts by  $\frac{1}{2}$  of 1% on their passbook savings.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Withdrawals from Savings Deposits. Amend RSA 386 by inserting after section 20 the following new section:

386:20-a Withdrawals from Savings Deposits. Savings banks, guaranty savings banks and savings departments of banks regulated by the State of New Hampshire are authorized and empowered to allow withdrawals to be made therefrom by the use of third party payment instruments such as negotiable orders of withdrawal or other forms of negotiable instruments as defined in RSA 382-A:3-104. Banks which provide such service shall be subject to the following conditions and limitations:

I. Only natural persons whether acting individually or jointly or as executors, administrators, trustees or guardians or as custodians or agents for other natural persons shall be permitted to maintain said accounts.

II. Interest or dividends payable by said banks to all its depositors on all regular savings deposits or deposits in the accounts authorized by this section at said bank shall not exceed the maximum rate of interest or dividends that lawfully may be paid upon savings accounts to depositors of national banks and trust companies that are operating within the State of New Hampshire. The foregoing limitation on payment of interest or dividends by said bank shall not apply to those deposits having a fixed maturity or payment date of over thirty days, in-



cluding but not limited to those accounts commonly known as 90-day notice accounts, time savings certificates and time certificates of deposit.

2 Effective Date. This act shall take effect sixty days after its passage.

Rep. Zachos moved that debate on HB 768, relative to withdrawals from savings deposits, be limited to a total of one hour, the time to be equally divided between the opponents and proponents of the bill; questions to be limited by speakers and the Speaker.

Adopted.

Rep. George E. Gordon requested a quorum count.

250 members having answered the call, a quorum was declared present.

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Rep. Deoss moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Reps. Hager, Twigg, Greene and Bigelow spoke in favor of the motion.

Reps. Scammon, Milne, Burns, Ezra B. Mann and Dwyer spoke against the motion.

(discussion)

Rep. George B. Roberts, Jr. moved that HB 768 be laid on the table until May 24.

Reps. Merrill and Milne spoke against the motion.

Motion lost.

Question being on the motion to substitute report of the minority, inexpedient to legislate, for the report of the majority, ought to pass with amendment.

Rep. Dwyer requested a roll call.

Seconded by Reps. Ackerson, Montplaisir, Burns, Timothy K. O'Connor, Lamy, Vachon and Bednar.

ROLL CALL  
YEAS 120 NAYS 195

YEAS

HILLSBOROUGH COUNTY:

Eaton, Joseph M., Murray, Fred E., Karnis, Eaton, Clyde S., Warren, E. George, Colburn, Thomson, Harold E., Fletcher, Knight, Messina, Perkins, Arnold B., Harvell, Nelson, Van Loan, Carswell, Lint, Sullivan, David T., Horan, Cote, Joseph L., Healy, Daniel J., Sullivan, Mary J., Champagne, O'Neil, Dorthea M., Thibeault, P. Robert, Gillmore, Bernier, Lambert.

MERRIMACK COUNTY:

Bigelow, Chandler, Jones, Donald P., Parker, Harry C., Deoss, Hanson, Gamache, Plourde, Cushman, Kopperl, Wiggin, Elmer S., Daniell, Haller, Davis, Alice, McLane, Newell, Jones, H. Gwendolyn, Tarr, Rich, Harriman, Howard C. Edwin, Hager.

ROCKINGHAM COUNTY:

King, Stimmell, Stevens, William J., Vey, Erler, Sanborn, Schwaner, Simard, Estabrook, Rogers, Randall, Akerman, Cassassa, Parr, Smith, Tony, Stevens, Elliot A., Greene, Maynard, McEachern, Joseph A., Connors, Woods, Keefe.

STRAFFORD COUNTY:

Dawson, Beckett, Dudley, Tirrell, Maloomian, Chasse, Peter N., O'Connor, Roderick H., Peabody.

SULLIVAN COUNTY:

Townsend, Sara M. Barrus, Spaulding, Roma A., Tucker, D'Amante.

BELKNAP COUNTY:

Matheson, Roberts, Charles B., Roberts, George B., Twigg, Huot, Hildreth, Sabbow, Murray, James W.

CARROLL COUNTY:

Chase, Claflin, Webster, T. Anne.

CHESHIRE COUNTY:

Galloway, Johnson, Edward A., Stevens, Anthony, Slicer, Turner, Helie, Wayne E., Nims.

COOS COUNTY:

Huggins, Metcalf, Partick, Valliere, Pryor.

## GRAFTON COUNTY:

Chamberlin, Bradley, Richard L., Anderson, Fayne E., Altman, Jones, Albert C., Harrison, Webb, Krainak, Bradley, David J., Chambers, Copenhaver, Hough, Townsend, Madeline G.

## NAYS

## HILLSBOROUGH COUNTY:

Humphrey, Howard S., Withington, Mann, Arthur E., Heald, Philip C., Clougherty, Bragdon, Brown, G. Winthrop, Spalding, Kenneth W., Coburn, Ferguson, Boyd, Dwyer, Geiger, Lyons, Alukonis, Bednar, Nutting, Polak, Smith, Leonard A., Currier, Richardson, John W., Rock, Cobleigh, Parker, Gerry F., Record, Zechel, Trombly, Cote, Margaret S., Winn, John T., Winn, Cecelia L., Charest, Desmarais, Lachance, LeFebvre, McGlynn, Migneault, Boisvert, Chasse, Romeo A., Mason, Coutermarsh, Lebel, Ainley, Daniels, Milne, Ackerson, Bourassa, Montplaisir, Murphy, Nardi, Spirou, Bruton, Shea, Barrett, William F., Dupont, McDonough, Clancy, Conway, Beaulieu, Gelinas, Taber, Healy, George T., Burke, Grady, O'Connor, Timothy K., D'Allesandro, Lynch, Sweeney, Lamy, Martineau, Allard, Lesmerises.

## MERRIMACK COUNTY:

Thompson, Arthur E., Sherman, Boucher, Laurent J., Enright, Rice, Goff, John B., Gordon, George E., Mattice, Thompson, Doris L., Burleigh, Fisher, Piper, Cate, Wilson, Ralph W.

## ROCKINGHAM COUNTY:

Kashulines, Skinner, Soule, Thibeault, George J., Barka, Gay, Gorman, MacGregor, Read, Senter, Campbell, DeCesare, Goff, Elizabeth E., Roy, Vesta M., Southwick, Spollett, Webster, Clarence L., Tavitian, Hamel, Cunningham, Brown, Benjamin A., Collishaw, Eastman, Junkins, Page, Sewall, Twardus, Scamman, Weeks, Hammond, Griffin, Splaine, Cotton, Call, Hodgdon.

## STRAFFORD COUNTY:

Canney, Harvey, Colby, Rowell, Plumer, Meserve, Tanner, Tibbetts, Ineson, Thompson, Barbara C., Winkley, LaRoche, Sylvain, Preston, Tripp, Boisse, Leighton, Bernard, Donnelly, Kincaid, Richardson, Harriett W. B.

## SULLIVAN COUNTY:

Rousseau, Buckley, Brodeur, Lewko, Saggiotes, Scott, Frizzell, Olden, Wiggins, George I., Williamson.

## BELKNAP COUNTY:

French, Lawton, Marsh, Nighswander, Hood, Randlett.

## CARROLL COUNTY:

Cox, Davis Esther M., Duprey, Allen.

## CHESHIRE COUNTY:

Ladd, Dunham, Hackler, McGinness, Savage, Milbank, Raymond, Ames, Saunders, Drew, Scranton.

## COOS COUNTY:

Bushey, Drake, Burns, Richardson, Mabel L., Kidder, Victor L., Fortier, Desilets, Brungot, Lemire, George, Gagnon, Theirault.

## GRAFTON COUNTY:

Curran, Fimlaid, Clark, Jones, Anthony K., Mann, Ezra B., Buckman, Gemmill, Bell, Nutt, Duhaime, Eaton, Myrl R., Merrill.

## Abstentions under Rule 16:

Reps. Cary, Seamans, Zachos, William F. Kidder, Paul McEachern, Hebert, Ruel, Anne B. Gordon, Close, Gallen, Tilton, William P. Boucher and Bartlett.

## PAIRS

Rep. Underwood voting yes; Rep. Belair voting no.

Rep. McManus voting yes; Rep. Helen F. Wilson voting no.

Rep. Burrows voting yes; Rep. Bowler voting no.

Rep. Dorothy W. Davis voting yes; Rep. Donald K. Howard voting no.

and the motion lost.

Question on the adoption of the committee amendment.

Amendment adopted.

Ordered to third reading.

Rep. John H. Perkins, Jr. wished to be recorded against HB 768, and the amendment.

Rep. Wuelper wished to be recorded in favor of HB 768.

Rep. Hoar wished to abstain from voting on HB 768 under Rule 16.

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Rep. Drake addressed the House on the status of state finances.

#### REMARKS OF REP. DRAKE ON FINANCIAL STATUS OF THE STATE

Mr. Speaker: Earlier I said I would inform the House whenever there were any new developments which occur which change the financial picture of the State and I am here today to make that report.

On Monday morning, the Appropriations Committee called in the staff of the Legislative Budget Assistant's Office, the comptroller and all of the agencies involved with revenue in the state to reach a reassessment primarily based on the May 1 return of the Business Profits Tax to more properly equate what the availability of funds would be for the next biennium. As of this date, I am happy to report, for a change, some good news. There has been a substantial revision in the Business Profits Tax which shows an increase yield in this year of 1.7 over anticipated revenues which as a basis of projection increased our revenues throughout the three years by approximately 7 million dollars. I submit a complete report here which I would like inserted in the journal, Mr. Speaker, so that you may all make a comparison in the actual presentation of item by item revenues. These figures are agreed upon by the comptroller, by the agencies concerned and the legislative budget assistant's office. We present them to you as the best and most accurate assessment of availability of funds.

I am not going to read through all these figures because they will be available to you. This will leave a sum of 11.9 million dollars available for spending above and beyond what the budget presently proposes. This will be for either inclusion in the budget or legislative specials or whatever determination this legislature makes of it. In addition, we have reassessed the retirement system contribution based on the actuaries agreement of an increase from 4% to 5% on earnings



of the retirement system which will reduce the employer appropriation for retirement benefits by 2.3 million dollars in this biennium. This would also be reflected in the amount which the cities and towns and the school districts will pay because they will be paying into the retirement system at a reduced rate as well. This will be, in effect, a savings to cities and towns. I presume at this point without having a specific figure, it will exceed 1 million dollars. This will leave available above and beyond the budget, 14.2 million dollars. This would still leave an anticipated surplus at the end of the biennium of 21½ million dollars. I think it is time that we present this latest and best information to you so you can make a more timely and accurate assessment of what the needs of the state are and what your priorities are.

So I ask that this be included in the journal as a formal report of the Appropriation Committee. Thank you.

APPROPRIATION COMMITTEE  
FORECAST OF GENERAL FUNDS  
UNAPPROPRIATED SURPLUS FOR THE  
BIENNIUM ENDING JUNE 30, 1975

	FISCAL YEAR 1974	FISCAL YEAR 1975
Estimated Unappropriated Surplus-Beginning of Year	\$14,156,229	\$12,090,678
Estimated Unrestricted Revenue (LBA Office)	\$125,550,000	\$132,140,000
Estimated State Revenue Sharing	6,400,000	6,545,000
Total	131,950,000	138,685,000
Less:		
Debt Service	\$4,677,333	\$4,584,893
Reimbursement to Locals	21,041,453	22,093,526
Total	\$25,718,786	26,678,419
Estimated Funds Available	\$106,231,214	\$112,006,581
Estimated Funds Available for Special and Operating Budget Appropriations	\$120,387,443	\$124,097,259
Less: HB 888 Operating Budget	108,296,765	114,624,630
Estimated Unappropriated Surplus-End of Year	\$12,090,678	\$9,472,629
Utilization of one-half of Governor's recommended lapses		\$9,472,629
		2,500,000
		\$11,972,629

Reduction in approp. for  
retirement benefit

+2,300,000

\$14,272,629

APPROPRIATION COMMITTEE  
FORECAST OF GENERAL FUND APPROPRIATED  
SURPLUS FOR THE YEAR ENDING  
JUNE 30, 1973

Governor's Estimate of Un-  
appropriated Surplus 6/30/73 \$12,678,737

Add:

Decrease in FY 1971 deficit  
(per Comptroller) \$271,745

Estimated Unrestricted Revenue

Increases FY 1973

(LBA Office) 4,033,450

Increase in State Revenue

Sharing Receipts — (final) 150,685

Total \$4,455,880

Less:

Legislative Specials Enacted  
to Date 2,978,388

Net Increase 1,477,492

Estimated Unappropriated  
Surplus 6/30/73 \$14,156,229

COMPARATIVE SCHEDULE OF UNRESTRICTED  
GENERAL FUND REVENUES FOR FISCAL YEARS  
1973 (REVISED ESTIMATES), 1974-1975 (ESTIMATES)  
AS OF MAY 14, 1973

OFFICE OF LEGISLATIVE BUDGET ASSISTANT

	1973 Revised Estimates		
	L.B.A.	Governor	Agency
Beer	2,950,000	3,153,305	2,901,000
Board and Care	2,550,000	2,700,450	2,550,000
Bus Profits Tax	19,000,000	17,000,000	19,000,000
Commuter Inc. Tax	3,400,000	3,000,000	3,400,000
Estate & Legacy Tax	6,200,000	5,400,000	6,200,000

Resident Tax	1,700,000	1,800,000	1,700,000
Insurance	5,940,000	5,543,900	5,940,000
Liquor	28,000,000	28,147,023	28,000,000
Meals & Rooms	6,000,000	5,700,500	6,000,000
Other	4,600,000	4,296,086	4,600,000
Racing: Dog	260,000	230,000	393,300
Racing: Harness	4,500,000	4,333,919	4,477,337
Racing: Thoroughbred	5,950,000	5,261,367	5,948,867
Telephone	4,750,000	4,750,000	4,750,000
Tobacco	23,700,000	24,400,000	23,700,000
Utilities	1,350,000	1,100,000	1,350,000
<b>TOTAL</b>	<b>120,850,000</b>	<b>116,816,550</b>	<b>120,910,504</b>

\*Governor's recommended

	1974 Estimates		
	L.B.A.	Governor	Agency
Beer	3,000,000	3,423,153	2,901,000
Board and Care	2,750,000	2,866,300	2,750,000
Bus. Profits Tax	20,900,000	17,500,000	20,900,000
Commuter Inc. Tax	3,750,000	3,250,000	3,750,000
Estate & Legacy Tax	4,800,000	4,500,000	4,500,000
Resident Tax	1,700,000	1,900,000	1,700,000
Insurance	6,200,000	6,096,900	6,200,000
Liquor	30,200,000	30,543,384	30,150,000
Meals & Rooms	6,200,000	5,851,500	6,200,000
Other	5,000,000	4,926,867	5,000,000
Racing: Dog	1,000,000	2,760,000	2,756,000
Racing: Harness	4,000,000	4,439,000	4,414,000
Racing: Thoroughbred	5,600,000	5,412,500	5,400,000
Telephone	4,750,000	4,750,000	4,750,000
Tobacco	24,500,000	25,200,000	24,200,000
Utilities	1,200,000	1,200,000	1,200,000
<b>TOTAL</b>	<b>125,550,000</b>	<b>124,619,604</b>	<b>126,771,000</b>

	1975 Estimates		
	L.B.A.	Governor	Agency
Beer	3,050,000	3,717,991	2,901,000
Board and Care	2,940,000	3,058,300	2,940,000

Bus. Profits Tax	21,900,000	18,000,000	21,900,000
Commuter Inc. Tax	4,000,000	3,500,000	4,000,000
Estate & Legacy Tax	4,800,000	4,500,000	4,500,000
Resident Tax	1,750,000	2,000,000	1,750,000
Insurance	6,300,000	6,163,100	6,300,000
Liquor	31,800,000	33,139,975	31,650,000
Meals & Rooms	6,400,000	6,001,500	6,400,000
Other	5,100,000	5,102,412	5,100,000
Racing: Dog	4,000,000	3,395,000	3,391,000
Racing: Harness	4,000,000	4,567,500	4,542,500
Racing: Thoroughbred	5,600,000	5,512,500	5,500,000
Telephone	4,750,000	4,750,000	4,750,000
Tobacco	24,500,000	26,000,000	25,000,000
Utilities	1,250,000	1,250,000	1,250,000
<b>TOTAL</b>	<b>132,140,000</b>	<b>130,658,278</b>	<b>131,874,500</b>

SUPREME COURT ADVISORY OPINION  
ON HB 79, TO IMPLEMENT A GUARANTEED  
PROTECTION PLAN OF MOTOR VEHICLE  
INSURANCE

*To the House of Representatives:*

The undersigned justices of the supreme court give the following answers to the questions contained in your resolution of March 20, 1973 filed in this court the following day. Memoranda thereon were to be submitted by April 4, and oral arguments were heard on April 5, 1973.

Your questions pertain to certain provisions of House Bill No. 79 which proposes to amend our Revised Statutes Annotated by adding chapter 407-c entitled "Guaranteed Protection Plan of Motor Vehicle Insurance." This proposal is commonly known as a "no-fault" insurance plan for all automobile insurance policies issued in this State. It provides that, in case of an accident involving a motor vehicle, as defined therein, every person insured or covered by such a policy would be entitled to recover from his own insurer the following so-called first party benefits: medical benefits to a limit of \$3000; income benefits amounting to 85% of lost wages with a limit of \$175 per week for 52 weeks; income benefits for a temporarily unemployed person based upon a percentage of his usual earnings; disability

benefit payments for a student 16 years of age or older; benefits for lost services which the injured person would have performed for himself and his family; and funeral and burial expenses up to \$1000. It also provides that optional additional extensions of these coverages must be offered by the insurer. 407-C:2.

Section 407-C:9 provides that a person may not seek or recover compensation for pain and suffering in a tort action arising from an auto accident unless the reasonable and necessary expenses in treating his injury are determined to be in excess of \$500. These expenses are to be measured by their reasonable value. This limitation of \$500.00, however, will not apply if the injury results in death, dismemberment, permanent disability, disfigurement, loss of a bodily function, or certain specified fractures.

Section 407-C:10 authorizes the supreme and superior courts to provide by rules for mandatory arbitration of "all or any specific types of cases" where the amount in controversy is \$3000 or less. These cases are to be heard by a board of three arbitrators with a trial *de novo* on the facts and the law in the event of an appeal. Either party may appeal by paying all costs accrued to that time; appellant could recover these costs only if he prevails on appeal. Your questions pertain to the above sections 407-C:9 and 407-C:10.

It is reasonable to deduce from its title, its provisions, and its characterization as a "no fault auto insurance plan" in the analysis attached to it for legislative purposes, that House Bill No. 79 is intended and designed to alleviate the alleged inadequacies of the present tort liability system for reimbursing victims of automobile accidents. *See Rokes, No Fault Insurance* 12 (1971). Among the inadequacies advanced is the overtaking of the court system by the existing fault method of determining who is entitled to damages and who is to pay them. Another is the inequities alleged to result from the overcompensation of less injured claimants as compared to that paid to those more seriously injured because of, so-called, nuisance settlements made to the former. The difficulty of assessing damages for pain and suffering is also advanced as an argument against retaining the present system. The fault-based system has also been characterized as "inefficient, overly costly, incomplete and slow." U.S. Department of Transportation, *Motor Vehicle Crash Losses and Their Compensation in the United States* 100 (1971).



In the multitude of literature and statistics published on this subject, one can find categorical denials of these alleged inadequacies as well as counter charges against the "no fault" system. Some contend that the concept of accountability for bad conduct has been a fundamental principle of law relied on for centuries and its abrogation would lead to irresponsibility on the highways contrary to public policy and the public interest. It is also argued that "no fault" substitutes an inadequate economic loss reparation system at the expense of recovery of full and fair damages for personal injury, including pain and suffering.

Before answering the questions propounded in your resolution it is useful to reiterate the often stated principle that this court is not concerned with, or expressing any opinion on, the wisdom or practicality of House Bill No. 79. Those matters are within the exclusive province of the legislature. *Niemiec v. King*, 109 N.H. 586, 258 A.2d 356 (1969). Nor are we passing any judgment on the social policies in dispute. Our answers must necessarily be limited to the constitutional issues raised by your inquiries. *Opinion of the Justices*, 110 N.H. 117, 262 A.2d 290 (1970).

Your first question reads as follows: "Would any provisions of the Constitution of the United States or the Constitution of New Hampshire, particularly the 14th amendment of the Constitution of the United States and Articles 14, 20, 35 and 37 of Part One of the Constitution of New Hampshire, be violated by the enactment of the provisions of RSA 407-C:9 as proposed by said House Bill No. 79 which eliminates recovery of damages for pain and suffering in certain personal injury tort claims arising out of motor vehicle accidents?"

We consider first whether 407-C:9 would violate provisions of our State constitution referred to in your question. We reserve, because of their similarity to the federal provisions, its due process and equal protection requirements. Section 407-C:9 which sets a dollar amount of medical expenses below which injury victims are denied access to general damages except under certain conditions, is commonly referred to as a threshold provision. Article 14 of part I of the New Hampshire constitution provides in part that "Every subject of this state is entitled to a certain remedy, by having recourse to the laws, for all injuries he may receive in his person, . . . to obtain right and

justice freely, . . . completely, and without any denial . . . conformably to the laws." It is argued that the threshold provision violates this article as well as articles 2 and 12 of part I which respectively declare as inherent rights "enjoying . . . life . . . and . . . seeking and obtaining happiness" (art. 2) and being protected in the enjoyment of one's "life, liberty, and property." Art. 12.

These rights are necessarily relative. *Riendeau v. Milford Municipal Court*, 104 N.H. 33, 34, 177 A.2d 396, 398 (1962). As indicated in article 14 the remedies provided are to be "conformably to the laws." This means the rules of statutory and common law applicable at the time the injury is sustained. *Pinnick v. Cleary*, Mass. , 271 N.E.2d 592, 599 (1971). "No person has a vested interest in any rule of law entitling him to insist that it shall remain unchanged for his benefit." *New York Cent. RR. v. White*, 243 U.S. 188, 198, 61 L. Ed. 667, 672, 37 St. Ct. 247, 250 (1917). The threshold provision of 407-C:9 modifies the existing common-law rule of measuring damages in automobile injuries to the extent that persons who do not meet its criteria are precluded from claiming amounts for pain and suffering and related considerations as an element of their damages. *See Rosenbloom v. Metromedia, Inc.*, 403 U.S. 29, 29 L. Ed. 2d 296, 91 S. Ct. 1811 (1971). It would apply only to accidents which will occur after its enactment and would not invade any vested constitutional rights guaranteed by these articles of the State constitution. *Munn v. Illinois*, 94 U.S. 113, 134, 24 L. Ed. 77, 87 (1876).

In those cases where the plaintiff does not incur "reasonable and necessary expenses" for medical treatments in excess of five hundred dollars or sustain a physical injury of the type defined in RSA 407-C:9 (III) his damages would be paid by his own insurer. The amount of damages recoverable would be simply his out-of-pocket losses, as computed under RSA 407-C:9 (II), and there would be no need to allocate fault for the accident. Keeton & O'Connel, Basic Protection for the Traffic Victim 497 (1965). In much the same manner as the labor commissioner assesses the "reasonable value of services" for medical and hospital care to an injured employee under our workmen's compensation law (*see* RSA 281:21-a (Supp. 1972)) the trial judge would consider the medical bills and any other competent evidence to determine the reasonable and necessary expenses

for medical treatment. (RSA 407-C:14). If the evidence did not indicate medical expenses above the threshold or the specified injuries the plaintiff would have no right to claim damages for pain and suffering (*see Rosenberg v. Town of North Bergen*, 61 N.J. 190, 293 A.2d 662, 667 (1972)) and there would be no issue to be tried to a jury. *See Hartford Accident & Indem. Co. v. Duvall*, 113 N.H. , , 300 A.2d 732, 734 (1973); *Carbonneau v. Hoosier Eng'r Co.*, 96 N.H. 240, 73 A.2d 802 (1950); *Roy v. Manchester Gas Co.*, 104 N.H. 318, 185 A.2d 486 (1962); *Petition of Boston & Maine Corp.*, 109 N.H. 324, 251 A.2d 332 (1969). Once the evidence indicates that plaintiff has suffered threshold injuries, he would be entitled to pursue his common-law tort action with the issues of negligence, comparative negligence, and general damages to be submitted to a jury or other triers of fact. Hence 407-C:9 would not be in violation of article 20 of part I of the New Hampshire constitution providing for trial by jury. Nor can we see any violation of article 35 pertaining to the right to an impartial interpretation of the laws and administration of justice or article 37 pertaining to the separation of powers in the government of the State. *Pinnick v. Cleary*, Mass. , 271 N.E.2d 592, 611 (1971).

The remaining considerations pertain to whether the threshold provision of 407-C:9 would violate the due process and equal protection provisions of the Constitution of the United States (fifth and fourteenth amendments) and of the constitution of New Hampshire. N.H. CONST. pt. I, arts. 1, 12. For these purposes, we consider these federal and State constitutional provisions as having the same requirements. To comply with due process, legislation such as this must bear a reasonable relation to a permissible legislative objective. *Allen v. Manchester*, 99 N.H. 388, 111 A.2d 817 (1955); *West Coast Hotel Co. v. Parrish*, 300 U.S. 379, 391, 81 L.Ed. 703, 708, 57 S. Ct. 578, 581 (1936). We must assume for the purposes of this opinion that the object of proposed RSA ch. 407-C as a whole, and 407-C:9 in particular, is to relieve court congestion caused by the present system of allocating damages in automobile cases and to substitute a more efficient and equitable method of compensating the victims. Whether this legislation will in fact accomplish these ends is not of moment at this juncture if the legislature has reason to assume that it will.

Those injured persons who do not meet the threshold are

not left without a remedy. A new system of recovery is substituted for the existing remedy. It is similar in many respects to our Workmen's Compensation Act (RSA ch. 281). The constitutionality of such statutes, which have been considered as reforms of the common law of torts, is now "firmly established". 1 Larson, *Workmen's Compensation Law* § 5.20, at 38 (1972); *accord*, *Constitutional Problems in Automobile Compensation Reform* 50 (1970); *see New York Cent. R.R. v. White*, 243 U.S. 138, 201, 61 L. Ed. 667, 674, 37 S. Ct. 247, 252 (1917). We are of the opinion that this similar reform in the law relating to automobile injuries also meets due process requirements. The threshold used as a criterium to delineate when damages for pain and suffering are recoverable and when they are not cannot be said to be arbitrary or unreasonable. The legislature could properly decide that in cases where the threshold is not met a claim for pain and suffering, which defies accurate monetary loss, did not justify continuation of the present system. The criteria of \$500 medical specials or death or specific injuries constituting the point of demarcation are sufficiently rationally related to serious injury in general, and thereby to seriousness of pain and suffering, as not to constitute an invidious discrimination. *See Gomez v. Perez*, US. , L. Ed. 2d , 93 S. Ct. 872 (1973); *Richardson v. Belcher*, 404 U.S. 78, 30 L. Ed. 2d 231, 92 S. Ct. 254 (1971). We are of the opinion that House Bill No. 79 bears a rational relation to a legitimate legislative objective and provides a reasonable substitute for existing rights. *Pinnick v. Cleary*, Mass. , 271 N.E.2d 592 (1971).

The answer to question No. 1 is "No" the enactment of RSA 407-C:9 which eliminates recovery of damages for pain and suffering if its threshold provision is not met would not violate the Constitution of the United States or the constitution of the State of New Hampshire. This negative answer obviates the need to answer your question No. 2.

Your question No. 3 seeks our opinion as to whether the constitutionality of House Bill No. 79 would be affected if the threshold in proposed RSA 407-C:9 should be increased to \$1000 in medical expenses from the present \$500. The purpose of the threshold is to eliminate recovery of damages for pain and suffering from certain minor personal injury claims. It is logical to assume that the higher the threshold the greater will be the reduction in number of tort claims. The test is whether a \$1000 threshold would have a fair and substantial relation to



the object of the legislation. There is no mathematical or logical way of fixing this point with precision. The judgment of the legislature must be accepted unless it is very wide of any reasonable line of demarcation. *Pinnick v. Cleary*, Mass. , 271 N.E.2d 592, 610-11 (1971). We cannot say that a \$1000 threshold would not be acceptable. The answer to question No. 3 is "No", increasing the threshold in 407-C:9 to \$1000 in medical expenses would not affect the constitutionality of House Bill No. 79.

Your question No. 4 reads as follows: "Can the Legislature constitutionally authorize arbitration of cases in which the amount in controversy is less than \$3000, and require a prepayment of costs of the arbitration procedure as a condition of appeal to the courts as proposed in RSA 407-C:10, in view of Articles 14 and 20 of Part I of the Constitution of New Hampshire?"

The proposed RSA 407-C:10 provides that the supreme and superior courts "may by rules of court provide that all or any specific types of cases filed in the superior, district or municipal courts where the amount in controversy shall be three thousand dollars or less, except those involving title to real estate, shall first be submitted to and heard by a panel of three members of the bar of this State who shall arbitrate the issues in such cases." 407-C:10 (I). Either party may appeal from an award by paying all costs accrued which may be recovered by him in the event he prevails. All appeals shall be de novo as to the law and the facts. 407-C:10 (II) (d).

It is clear from the language of article 20 of part I of the New Hampshire constitution that neither the legislature nor the courts, by rules or otherwise, have the right or power to deny the parties a jury trial without consent when there are issues of fact to be decided in a controversy involving an amount in excess of \$500 or title to real estate, with certain exceptions not material. *Copp v. Henniker*, 55 N.H. 179, 194 (1875). The jury trial need not be had in the first instance if a reasonably unfettered right of appeal is allowed to a court where the constitutional right of trial by jury can be enjoyed. *Id.* at 196; *Capital Transit Co. v. Hof*, 174 U.S. 1, 23, 43 L. Ed. 873, , 19 S. Ct. 580, 589 (1899); *Nassif Realty Corp. v. National Fire Ins. Co.*, 107 N.H. 267, 269-70, 220 A.2d 748, 750 (1966).

Argument has been made that the usual fee paid for the



comparable services of masters, referees and auditors is \$125 per day. This would constitute a \$375 per day cost for the panel of three arbitrators to be multiplied by the average length of such proceedings which could be two or three days. We are of the opinion that a payment which could amount to \$750 or \$1125 to obtain a jury trial on appeal of a case involving \$3000 or less, even though provision is made for reimbursement if the appeal is successful, would be an unreasonable condition imposed on the right to appeal and would constitute an unconstitutional infringement upon the right to trial by jury in those automobile cases which meet the threshold. Our answer to question No. 4 is "No" the legislature cannot constitutionally impose arbitration as provided by the terms of proposed RSA 407-C:10.

Frank R. Kenison  
Edward J. Lampron  
Robert F. Griffith

May 14, 1973.

*To the House of Representatives:*

In the opinion of the undersigned justices, your first question should be answered "Yes". The assumption that the drastic remedy proposed by section 407-C:9 of House Bill 79 is required in order to relieve our courts of congestion or delay caused by automobile accident litigation is one which we are not prepared to make. In our opinion, abolition of the rights of a class of persons injured in automobile accidents to recover damages for their injuries in full would contravene the plain language of article 14, part I of the New Hampshire Constitution, in the absence of provision of a satisfactory substitute; and certainly recovery of only a limited portion of such damages cannot be equivalent to recovery of the damages in full. Society cannot escape its responsibility to provide justice by simply eliminating the rights of its citizens. *Opinion of the Justices*, 25 N.H. 537, 539-540 (1852).

Exercise of the police power by legislative act depends for its validity upon whether the means employed are reasonably necessary to accomplish the ends in view; and whether the regulations proposed are reasonable, in turn depends upon the seriousness of the evil to be overcome, the magnitude of the curtailment of individual rights affected, and the availability and effectiveness of other less drastic measures. *Coldblait v. Hamp-*

*stead*, 369 U.S. 590-595 (1962); *Woolf v. Fuller*, 87 N.H. 64, 68-69 (1934); *Donnelly v. Manchester*, 111 N.H. 50 (1971). We are not convinced that most of the benefits sought by the bill could not be attained by requirement of the accident insurance provisions proposed by the bill, without restriction of the right of full recovery in tort which section 407-C:9 would impose.

Section 407-C:9 in our opinion would also violate the constitutional guarantee of the equal protection of the laws. N.H. CONST. pt. I, arts. 1, 14; *Opinion of the Justices*, 86 N.H. 597 (1933). Only persons injured by automobile accidents within the State would be subject to its requirements. Those injured in other ways would be entitled to seek recovery of their damages in full. Subjection of automobile injury cases to the limitations of section 407-C:9, apart from cases involving enumerated injuries or death, would depend upon the "reasonable value" of "medical treatment expenses" required, a standard not rationally related either to the extent of accompanying pain and suffering, or the monetary value of damages therefor. For such reasons, the classifications made by section 407-C:9 would produce discriminations which appear to us to be without the necessary rational foundation. *Woolf v. Fuller, supra*; *Mac Brown v. Marlo*, 106 Cal. Repr. 388, 506 P.2d 212 (1973). As before stated, we answer your first question "yes".

The constitutional objections which prompt this answer would not be obviated by enactment of the proposed amendment to House Bill 79. They would only be magnified by increasing the threshold figure to one thousand dollars. We therefore answer your second and third questions "No".

We agree with the opinion of the majority of the justices that section 407-C:10 of the bill relating to arbitration would be unconstitutional and accordingly answer your fourth question "No".

Lawrence J. Duncan

William A. Grimes

May 14, 1973.

RECESS

AFTER RECESS

## ENROLLED BILLS REPORT

HB 707, providing that the flag of the United States shall be displayed and flown at polling places.

HB 735, to enable the precinct of Haverhill Corner in the town of Haverhill to enact a zoning ordinance.

Maurice W. Read  
*For the Committee*

## COMMITTEE REPORTS CONTINUED

**HB 664**

amending in general the conservation commission enabling act. Ought to pass with amendment. Rep. Greene for Environment and Agriculture.

This bill provides for a general revision of the RSA chapter on conservation commissions. The overall content of this chapter remains the same. The amendment includes both land and water areas as responsibilities of the commission. It provides for the addition of a planning board member to the conservation commission and that acquisitions be made in the name of the town or city.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

amending the conservation commission enabling act and permitting two planning board members to serve on other municipal boards or commissions.

Amend RSA 36-A:2 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

36-A:2 Conservation Commission. A city or town which accepts the provisions of this chapter may establish a conservation commission, hereinafter called the commission, for the proper utilization and protection of the natural resources and for the protection of watershed resources of said city or town. Such commission shall conduct researches into its local land and water areas and shall seek to coordinate the activities of unofficial

bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which in its judgment it deems necessary for its work. It shall keep an index of all open space and natural, aesthetic or ecological areas within the city or town, as the case may be, with the plan of obtaining information pertinent to proper utilization of such areas, including lands owned by the state or lands owned by a town or city. It shall keep an index of all marshlands, swamps and all other wetlands in a like manner, and may recommend to the city council or selectmen or to the department of resources and economic development a program for the protection, development or better utilization of all such areas. It shall keep accurate records of its meetings and actions and shall file an annual report which shall be printed in the annual town or municipal report. The commission may appoint such clerks and other employees or subcommittees as it may from time to time require.

Amend RSA 36-A:3 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

36-A:3 Composition of Commission. The commission shall consist of not less than three nor more than seven members. In a city or town which has a planning board, one member of the commission shall also be a member of the planning board and shall be appointed by said board for a one-year term. In cities, the remaining members shall be appointed by the mayor, subject to the provisions of the city charter, and in towns the remaining members shall be appointed by the selectmen. When a commission is first established, terms of the remaining members shall be for one, two or three years, and so arranged that the terms of approximately one-third of the members will expire each year, and their successors shall be appointed for terms of three years each. Any member of a commission so appointed may, after a public hearing, if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall be filled for the unexpired term in the same manner as an original appointment.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Powers of Commission. Amend RSA 36-A:4 as inserted by 1963, 168:1 by striking out said section and inserting in place thereof the following:

36-A:4 Powers. Said commission may receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the selectmen in a town, such gifts to be managed and controlled by the commission for the purposes of this section. Said commission may acquire in the name of the town or city by gift, purchase, grant, bequest, devise, lease or otherwise the fee in such land or water rights, or any lesser interest, development right, easement, covenant, or other contractual right including conveyances with conditions, limitations or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of or otherwise conserve and properly utilize open spaces and other land and water areas within their city or town, and shall manage and control the same, but the city or town or commission shall not have the right to condemn property for these purposes.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Qualifications and Terms of Planning Board Members. Amend RSA 36:5, as amended, by striking out in lines four and five the words "one appointed member shall also serve as a member" and inserting in place thereof the following (two appointed members shall also serve as members) so that said section as amended shall read as follows:

36:5 Qualifications and Terms of Members. No appointed member shall also serve as town or city treasurer, tax collector, trustee of town funds, or as a deputy or assistant to any of the aforementioned officers. In the case of towns, no more than two appointed members shall also serve as members of any other municipal board or commission. In the case of cities, appointed members shall not hold any other municipal office except that one of such appointed members may be a member of the zoning board of adjustment. The terms of ex officio members shall correspond to their respective official tenures, except in the case of cities that the term of the administrative official selected by the mayor shall terminate with the term of the mayor selecting him. The term of each appointed member shall be six years in the case of nine-member planning boards, five years in the case of seven-member planning boards and four years in the case of five-member planning boards, except that the respective terms of five of the members first appointed to a nine-member



or a seven-member planning board shall be one, two, three, four, and five years; and in the case of five-member planning boards that the respective terms of the four members first appointed shall be one, two, three, and four years.

Amendment adopted.

Ordered to third reading.

### **HJR 38**

appropriating supplementary funds for certain retirees from the University of New Hampshire. Ought to pass. Rep. Hildreth for Executive Departments and Administration.

These employees are not members of the New Hampshire Retirement System. The committee was split and found it a most difficult decision to make. This bill is a symbol of what a retirement system should be. The bill goes to Appropriations.

Referred to Appropriations.

### **HB 524**

to provide beneficiary rights under the New Hampshire Permanent Firemen's Retirement System. Inexpedient to legislate. Rep. Cushman for Executive Departments and Administration.

This bill, if passed, would improve the old system. If improvements are to be made in the retirement system they should be made in the new system.

Resolution adopted.

### **HB 535**

providing for increased retirement to members of the New Hampshire Policemen's Retirement System. Inexpedient to legislate. Rep. Cushman for Executive Departments and Administration.

This bill also improves the old system and is unwise.

Resolution adopted.

### **HB 525**

providing for the limitation of workmen's compensation and other offsets under disability retirements for members of group II under the New Hampshire Retirement System and

making an appropriation therefor. Inexpedient to legislate. Rep. Cushman for Executive Departments and Administration.

This bill does not include Group I, therefore widening the gap of inequities between Group I and Group II. The committee felt this is unwise.

Resolution adopted.

#### **HB 740**

permitting persons receiving retirement benefits from the New Hampshire Retirement System to be employed as a member of a group other than that from which he is receiving benefits. Inexpedient to legislate. Rep. Charles B. Roberts for Executive Departments and Administration.

The committee did not feel that this was necessary at this time. The bill was poorly written.

Resolution adopted.

#### **HB 476**

relative to registration of professional bondsmen. Inexpedient to legislate. Rep. Daniel J. Healy for Judiciary.

Committee reaffirmed original report.

Resolution adopted.

#### **SB 68**

requiring the attendance of the police officer involved in the arrest at hearing to set bail on felonies. Inexpedient to legislate. Rep. Buckley for Judiciary.

Would require presence of arresting officer at bail hearing. Committee felt this unnecessary and delaying.

Resolution adopted.

#### **SB 51**

to provide workmen's compensation benefits for persons who are compelled by statute to assist in fighting a forest fire. Ought to pass with amendment. Rep. Merrill for Labor, Human Resources and Rehabilitation.

This bill provides workmen's compensation for forest fire fighters and persons pressed into service in emergency situations.

## AMENDMENT

Amend the title of the bill by striking out the same and inserting in place thereof the following:

## AN ACT

to provide workmen's compensation benefits to all persons who assist in fighting forest fires or any fires under the direction of fire-fighting personnel authorized to give direction.

Amend the bill by striking out the four "Whereas" clauses.

Further amend the bill by striking out the word "Therefore" from the enacting clause.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Workmen's Compensation Law; Definitions; Employee. Amend RSA 281:2 by inserting after paragraph IV the following new paragraph:

IV-a Employee, with respect to public employment, also means any person who fights fires, whether forest in nature and origin or otherwise, and who either voluntarily under the direction of those authorized to give such direction in the fighting of fires, or who are under statutory compulsion to fight fires pursuant to RSA 224:11 and 12, or RSA 154:7, 8, and 9, shall be for the purpose of this chapter, deemed to be in the employment of the state.

2 Workmen's Compensation Law; Whether Compensation Paid; Definitions. Amend RSA 281:2, VII, (2), (supp), as inserted by 1967, 403:1, by striking out said subparagraph and inserting in place thereof the following:

(2) The average weekly wage for volunteer or auxiliary members of a fire or police department of the state or any of its political subdivisions, or any employee as defined by RSA 281:2, IV-a, whether paid or not, and members of the state militia, as defined by RSA 110-A:1, if injured while on duty, shall be deemed to be the average weekly wages that entitles them to the maximum benefits under this chapter.

3 Limitation on Conscripted Assistance. Amend RSA 224 by inserting after section 12 the following new section:

224:12-a Conscripted Assistance Limited. Notwithstanding the provisions of RSA 224:11 and 12, no person therein authorized to compel assistance by conscription shall order any person under the age of eighteen years or over the age of forty-five years (except where such person has voluntarily consented to accept direction and if under the age of eighteen, has furnished parental consent in writing); or any person having a physical or mental disability or who is otherwise handicapped in capability to perform acts of fire-fighting, to perform any act of firefighting which would subject such person to the possible risk of grievous bodily injury, harm or death, except in a dire emergency, and then only if such act or acts are deemed necessary to protect and preserve public property endangered by fire, or in the case of a national emergency. Notwithstanding this limitation, nothing herein shall be construed to limit a person's ability, if over eighteen years of age, to voluntarily consent to perform acts of firefighting so long as he agrees to accept direction of qualified firefighters and the person accepting his consent is authorized by RSA 224:11 and 12, to call for such assistance and reasonably believes that the person volunteering understands the personal risk to himself.

4 Limitation on Conscripted Assistance. Amend RSA 154 by inserting after section 9 the following new section:

154:9-a Conscripted Assistance Limited. Notwithstanding the provisions of RSA 154:7, 8, and 9, no person therein authorized to compel assistance by conscription shall order any person under the age of eighteen years or over the age of forty-five years (except where such person has voluntarily consented to accept direction and if under the age of eighteen, has furnished parental consent in writing); or any person having a physical or mental disability or who is otherwise handicapped in capability to perform any act of firefighting which would subject such person to the possible risk of grievous bodily injury, harm or death, except in a dire emergency, and then only if such act or acts are deemed necessary to protect and preserve public property endangered by fire, or in the case of a national emergency. Notwithstanding this limitation, nothing herein shall be construed to limit a person's ability, if over eighteen years of age, to voluntarily consent to perform acts of firefighting so long as he agrees to accept direction of qualified firefighters and the person accepting his consent is authorized by

RSA 154:7, 8, and 9, to call for such assistance and reasonably believes that the person volunteering understands the personal risk to himself.

5 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Referred to Appropriations.

#### **HB 144**

relative to the inclusion of police employees in the New Hampshire Retirement System. Majority: Inexpedient to legislate. Rep. Noble for Executive Departments and Administration. Minority: Ought to pass. (Rep. Joseph L. Cote)

Majority: This bill was brought out inexpedient and was recommitted. The committee present and voting unanimously voted inexpedient. RSA 103:7 exempts cities over 34,000 population.

Minority: Since it affects only Manchester and Nashua and they both want it, these cities should not be discriminated against.

Rep. Martineau moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

The clerk read the amendment in full.

Rep. Martineau explained the amendment.

(discussion)

Rep. McLane explained the committee report.

Motion lost.

Resolution adopted.

(Deputy Speaker in Chair)

#### **HB 738**

limiting a divorcee's alimony by reason of his or her reasonable earning capacity. Inexpedient to legislate. Rep. Brungot for Judiciary.

Should continue to be left to judgment of the court.



Rep. Sweeney moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate.

The clerk read the amendment in full.

Rep. Sweeney explained the amendment.

Reps. Brungot, Close and Nutting spoke against the motion.

Amendment lost.

Resolution adopted.

### **HB 567**

relative to the interest rate charged on delinquent taxes in the city of Portsmouth. Ought to pass with amendment. Rep. Keefe for the Portsmouth Delegation.

Bill increases rate from 6% to 9% to be in line with other cities in the state.

At the request of Rep. Maynard, Rep. Hodgdon answered questions.

Rep. Maynard moved that HB 567 be recommitted to the Portsmouth Delegation and spoke in favor of the motion.

Adopted.

HB 567 recommitted to the Portsmouth Delegation.

### **HB 621**

permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire. Ought to pass. Rep. Hodgdon for the Portsmouth Delegation.

This bill would authorize the city of Portsmouth to issue bonds to satisfy the two million dollar judgment against said city which was obtained by the public service company of New Hampshire. Bonds to be amortized within five years.

Rep. Ellis moved that the words, ought to pass with amendment be substituted for the committee report, ought to pass, and spoke in favor of the motion.

## AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Amortization. Any bonds issued under section 1 of this act shall be amortized over a period of not less than five nor more than ten years from their date of issuance.

Reps. Maynard and Splaine spoke against the motion.

Reps. Keefe, Paul McEachern, Call and Greene spoke in favor of the motion.

Rep. Belair moved the previous question.

Sufficiently seconded.

Adopted.

Question on the Ellis amendment.

Amendment adopted.

Rep. Maynard moved that HB 621 be indefinitely postponed and spoke in favor of the motion.

Rep. Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Ordered to third reading.

**HB 700**

relative to joint use of rights of way by public utilities. Inexpedient to legislate. Rep. Coburn for Public Works.

Testimony at the hearing on this bill held jointly with the committee on Environment and Agriculture, showed that the public utility companies under present joint coordination efforts, do use rights of way jointly where practical and economical. The arrangement is now working satisfactorily and to the interest of all concerned.

Rep. Estabrook moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate,

and spoke in favor of the motion, and subsequently withdrew his motion.

Resolution adopted.

## HB 725

to prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators. Majority: Ought to pass; Rep. James W. Murray for Transportation. Minority: Inexpedient to legislate. (Reps. Meserve, Akerman, Taber and Mattice)

Majority: This bill covers only police cars used in traffic control. Criminal investigation vehicles *excluded*.

The Minority feel that the use of unmarked cars in traffic work, especially by the New Hampshire State Police, has been extremely effective in apprehending the habitual offender, and in cutting down traffic deaths on the state's highway (25% thus far this year). The loss of this law enforcement tool would be a severe blow to safety efforts in our state.

Rep. Meserve moved that the report of minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass, and spoke in favor of the motion.

(discussion)

Reps. James E. Murray, Rock, T. Anne Webster, Gelinas and Richard L. Bradley spoke against the motion.

Reps. Hamel and Lebel nonspoke against the motion.

Rep. Fisher spoke in favor of the motion.

Reps. James A. Humphrey, Colburn, Dunham, Kashulines, Campbell, Scranton, William P. Boucher, Sara M. Townsend, Polak, Soule, George J. Thibeault, Greene, Taber and Daniell nonspoke in favor of the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

72 members having voted in the affirmative and 193 in the negative, the motion lost.

Ordered to third reading.

Rep. Meserve wished to be recorded as voting against HB 725.

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Rep. Gelinas moved that HB 788, relative to a warranty bond for automobiles sold in this state, be made a Special Order for Wednesday next at the regular session and spoke in favor of the motion.

Rep. David J. Bradley challenged the vote.

Adopted.

(Speaker in the Chair)

Rep. Hamel moved that HB 337, increasing boat registration fees and providing a continuing appropriation of such fees for the use of the division of safety services, be made a Special Order for Wednesday next at the regular session.

Reps. Zachos and Vachon spoke in favor of the motion.

Adopted.

#### **HB 350**

relative to licensing games of beano. Inexpedient to legislate. Rep. Cunningham for Ways and Means.

The committee felt that HB 350 would cause more problems than it would solve and recommends that it be reported inexpedient to legislate.

Rep. Chandler moved that the words, ought to pass, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Sayer explained the committee report.

Motion lost.

Resolution adopted.

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Rep. Sayer moved that HB 422, relative to various personal

exemptions under the interest and dividends tax, be made a Special Order for Thursday next, and spoke in favor of the motion.

(discussion)

Reps. Read, Elmer L. Johnson and Daniel J. Healy spoke in favor of the motion.

Rep. Gerry F. Parker spoke against the motion.

Adopted.

The Speaker called for the Special Order on:

### HB 311

increasing the exemption for persons over sixty years of age on interest and dividends. Majority: Inexpedient to legislate; Rep. Seamans for Ways and Means. Minority: Ought to pass. (Reps. Splaine and Chandler)

Majority: The burden of this tax may be avoided because there are many investment opportunities in New Hampshire that are exempt from the dividend and interest tax.

Minority: This bill permits a \$2000. exemption on interest and dividends for persons sixty years or older. We favor repealing interest and dividends altogether, but this is a step in the right direction.

Reps. Splaine and Chandler non-spoke against the report of the majority.

Resolution adopted.

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The House honored the memory of Reps. Donald J. Welch and David Sterling by a rising vote and a minute of silent prayer.

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Rep. George B. Roberts, Jr. moved that we now adjourn from the morning session, that the business of the afternoon session be in order at the present time, that reading of bills be by title only and all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time.



## LATE SESSION

## Third reading and final passage

HB 577, relative to child placing and the care of children.

HB 612, imposing an inspection fee on fertilizer and providing a category for special mixed fertilizer.

HB 768, relative to withdrawals from savings deposits.

HB 664, amending the conservation commission enabling act and permitting two planning board members to serve on other municipal boards or commissions.

HB 621, permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire.

HB 725, to prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators.

## RECONSIDERATIONS

Rep. Burns moved Reconsideration on HB 768, relative to withdrawals from savings deposits.

Reconsideration lost.

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Rep. James W. Murray moved Reconsideration on HB 725, to prohibit unmarked cars for use by law enforcement officials for apprehending traffic violators.

Reconsideration lost.

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Rep. Paul McEachern moved Reconsideration on HB 621, permitting the city of Portsmouth to exceed its debt limit for purposes of satisfying a judgment rendered against the city in a suit by the public service company of New Hampshire.

Reconsideration lost.

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## NOTICE OF RECONSIDERATION

Rep. Simard served notice that today or some subsequent day he would ask the House to reconsider its action in killing

HB 738, limiting a divorcee's alimony by reason of his or her reasonable earning capacity.

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Consent Calendar Day Wednesday morning May 16; regular Calendar Wednesday afternoon.

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On motion of Rep. Gillmore the House adjourned at 5:55 p.m.

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## *Wednesday, 16May73*

The House met at 11:00 o'clock.

(Rep. Harvell in the Chair)

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

**O Lord, our God**, this world is ours to command, to build as a city of peace and a land where we can live as brothers. We raise our eyes to You to ask for blessings while our hands are set to the task You have given us. Amen.

**O Lord**, we implore You in Your fatherly love have mercy on the soul of Your servant Karl J. Persson and grant that freed from the stains of his mortal life, he may receive the inheritance of eternal salvation. Through Christ our Lord. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Martineau led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Rep. John W. Richardson, the day, illness.

Rep. McManus, the day, important business.

Rep. Erickson, today and tomorrow, important business.

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Rep. Arthur E. Thompson offered the following:

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 931 through 959 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 931, relative to semiannual payment of taxes to counties. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 932, establishing civil actions and investigations for violation of the state antitrust law. (Roberts of Belknap Dist. 4 — To Judiciary.)

HB 933, relative to the possession of pistols and revolvers by aliens and convicted felons. (Roberts of Belknap Dist. 4 — To Judiciary.)

HB 934, relative to the composition of the ballot law commission. (Roberts of Belknap Dist. 4 — To Statutory Revision.)

HB 935, to clarify certain forms of voter intimidation. (Roberts of Belknap Dist. 4 — To Judiciary.)

HB 936, permitting an access on Route 28 in the town of Allenstown. (Bourassa of Hillsborough Dist. 26 — To Public Works.)

HB 937, relative to abusive treatment of horses. (Sabbow of Belknap Dist. 8 — To Environment and Agriculture.)

HB 938, providing police powers for motor vehicle inspectors and motor vehicle title investigators. (Murray of Belknap Dist. 9 — To Transportation.)

HB 939, relative to competitive bidding on purchases made by counties. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 940, redistricting the city of Somersworth. (Meserve of Strafford Dist. 7; Hebert of Strafford Dist. 7 — To Special Committee: Somersworth Delegation.)

HB 941, extending the appraisal period and the recapture of tax revenues under the current use assessment law. (Conley of Carroll Dist. 3 — To Ways and Means.)

HB 942, relative to reassessment of taxable property. (Nutt of Grafton Dist. 13 — To Ways and Means.)

HB 943, authorizing the treatment and counseling of minors by professional health care personnel without requiring the consent of anyone other than the person who is receiving said health services. (McLane of Merrimack Dist. 16 — To Public Health and Welfare.)

HB 944, expanding zoning authority to include the timing of development and increasing the authority of planning boards and boards of adjustment. (Spirou of Hillsborough Dist. 27 — To Municipal and County Government.)

HB 945, increasing the amount of tax revenue returned to the towns and cities under the meals and rooms tax. (Lawton of Belknap Dist. 1; Allen of Carroll Dist. 5; Splaine of Rockingham Dist. 19 — To Ways and Means.)

HB 946, relative to controlling rents for the next two years. (McEachern of Rockingham Dist. 23 — To Judiciary.)

HB 947, amending the definition of "charitable organizations" for conducting raffles. (Merrill of Grafton Dist. 14; Gordon of Cheshire Dist. 8 — To Statutory Revision.)

HB 948, relative to dog training and permits issued therefor. (Chamberlin of Grafton Dist. 2 — To Environment and Agriculture.)

HB 949, relative to protective services to adults. (Noble of Merrimack Dist. 21 — To Public Health and Welfare.)

HB 950, relative to regional planning and development commissions. (Pryor of Coos Dist. 7 — To Environment and Agriculture.)

HB 951, relating to the election of Merrimack county commissioner. (Humphrey of Merrimack Dist. 11 — To Special Committee: Merrimack County Delegation.)

HB 952, permitting the town of Durham to revert to a calendar year accounting period and providing for an appropriate transitional budget. (Dudley of Strafford Dist. 4; Tirrell

of Strafford Dist. 4 — To Special Committee: Durham Delegation.)

HB 953, permitting the town of Durham to issue five-year bonds in lieu of collection of a portion of town taxes. (Dudley of Strafford Dist. 4 — To Special Committee: Durham Delegation.)

HB 954, permitting the town of Durham to institute bi-annual collection of taxes. (Dudley of Strafford Dist. 4; Tirrell of Strafford Dist. 4 — To Special Committee: Durham Delegation.)

HB 955, relative to the sale of liquor and alcoholic beverages by restaurant-cocktail lounges. (Clark of Grafton Dist. 5 — To Liquor Laws.)

HB 956, providing that licensed physicians need not report family planning information given to minors. (Zechel of Hillsborough Dist. 17 — To Public Health and Welfare.)

HB 957, limiting the sale of real estate in the university system. (Williamson of Sullivan Dist. 9 — To Education.)

HB 958, relative to the powers of executive committees of the county. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 959, relative to investment of funds by treasurers of municipalities, counties and school districts. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

## COMMITTEE REPORTS

### HB 820

relative to limitations on the investment authority of building and loan associations, cooperative banks and savings and loan associations. Ought to pass. Rep. Milne for Banks and Insurance.

Broadens investment powers of building and loan associations, cooperative banks and savings and loan associations.

Ordered to third reading.

### SB 95

abolishing the position of assistant bank commissioner. Ought to pass. Rep. Wayne E. Helie for Banks and Insurance.



Bank commissioner does not consider position necessary.  
It is vacant at the present time.

Ordered to third reading.

## HB 771

abolishing the police commission in Claremont. Ought to pass with amendment. Rep. Burrows for the Claremont Delegation.

Simplifies election of police commission.

### AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

### AN ACT

relative to the appointment of the police commission  
in the city of Claremont, by the city manager

Amand said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 City of Claremont. Amend 1947, 342:1, 2 as amended by 1963, 275:9 by striking out said sections and inserting in place thereof the following:

1. Establishment. The city manager of the city of Claremont shall appoint for said city a police commission consisting of three persons. The term of office of said commissioners shall be for three years and until their successors are appointed. Said commissioners shall have been residents of Claremont for at least five years immediately preceding the date of their appointment. Not more than two of said commissioners shall be of the same political party. Any vacancy on said commission shall be filled in like manner for the unexpired term.

2. Removal of Commissioners. The city manager shall have full power to remove any police commissioner at any time for just cause and after due hearing which cause shall be specified in the order of removal.

2 Present Incumbents. Notwithstanding the provisions of section 1 of this act, any person holding office as a police commissioner for the city of Claremont at the date of the effective

date of this act shall continue in office as such commissioner until the expiration of his present term of office.

3 Repeal. 1947, §92:30-a, as inserted by 1971, 374:3 is hereby repealed.

4 Referendum. Sections 1, 2 and 3 of this act shall not take effect unless they are adopted by a majority vote of the legal voters of the city of Claremont at the annual city election in November, 1973. The city clerk then in office shall cause to be included on the regular ballot for the election of officers the following question: "Shall the provisions of an act providing that the city manager instead of the mayor and councilmen of Claremont shall appoint the three police commissioners and may remove any commissioner for cause, as provided in an act of the general court in 1972 be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square opposite each such word, in which the voter may indicate his choice. If a majority of those present and voting on the question vote in the affirmative, this act shall be declared to have been adopted. Within ten days after said election the city clerk shall certify to the secretary of state the result of said vote.

5 Effective Date. Section 4 of this act shall take effect upon its passage, and sections 1, 2 and 3 of this act shall take effect if adopted. as provided in section 4.

Amendment adopted.

Ordered to third reading.

#### **HB 829**

relative to doping and stimulating animals at equine events. Ought to pass. Rep. Colburn for Environment and Agriculture.

Changes "pulling contests" to "equine events", defined as pulling contests, trail rides, carriage events, horse shows, races, dressage exhibitions, organized sales and other competitive events involving ponies or horses in the statutes that outlaw the use of drugs on horses to stimulate or tranquilize the animals.

Ordered to third reading.

#### **HB 580**

relative to jury trials of minor offenses. Ought to pass. Rep. Close for Judiciary.

Eliminates requirement of a jury trial in superior court in cases of minor offenses appealed from district court. Should decrease cost to counties and speed justice.

Ordered to third reading.

**HB 702**

relative to the terms of jurors. Ought to pass with amendment. Rep. Buckley for Judiciary.

As amended, allows juror to be excused at the end of the week after he has served thirty days, to become effective September 1 to avoid any conflict with September term of Superior Court.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Term Limited. Amend RSA 500-A by inserting after section 6 the following new section:

500-A:6-a Term of Service. Any person who is summoned to serve as a juror on the petit or grand jury shall not be required to serve a term longer than thirty days provided, however, that a juror who is sitting on a trial in progress or a grand jury hearing in progress shall be required to serve until such trial or hearing is completed and provided also that no juror's term shall end before the end of a week.

2 Effective Date. This act shall take effect September 1, 1973.

Amendment adopted.

Ordered to third reading.

**HB 741**

relative to the priority of charges against the estate of a deceased person. Refer to the Judicial Council. Rep. Anthony Stevens for Judiciary.

Amends a law enacted in 1850, seldom used. Raises age from seven to eighteen. Committee at first approved the bill, but on second thought decided there were implications that should be studied by Judicial Council.

Referred to Judicial Council.

**HB 852**

relative to transfers of functions from local units of government to other units of governments. Inexpedient to legislate. Rep. Hanson for Municipal and County Government.

The concept behind the bill, to further strengthen "land use control" and "local option" has merit. However, the sponsor agreed that the legislation, in its present form and scope, would not achieve these ends.

Resolution adopted.

**HB 854**

relative to the duty of county treasurers. Ought to pass. Rep. Madeline G. Townsend for Municipal and County Government.

The matter of borrowing by counties is considered to be of sufficient importance to justify the personal appearance of the treasurer before the executive committee to explain the state of the treasury and to justify the need for borrowing. Heretofore, in some counties, such explanation and justification has been furnished by a member of the treasurer's office or by a business manager.

Ordered to third reading.

**HB 855**

delineating the duties of the clerk of the board of county commissioners. Ought to pass. Rep. G. Winthrop Brown for Municipal and County Government.

Legislation clarifies the procedures of the meetings of the county commissioners in that action can be initiated by the commissioners only when the minutes of the commission meetings, maintained by the clerk, contain the direct authority to take action. Additionally, copies of correspondence, requiring action by the commissioners, shall be attached to the minutes.

Ordered to third reading.

**HB 435**

levying an assessment against the state's revenue from alcoholic beverages for the alcohol and drug abuse program. Inexpedient to legislate. Rep. Roma A. Spaulding for Public Health and Welfare.

This bill has a great deal of merit but at this time the committee recognizes the impossibility of levying an assessment against the state's revenue from the sale of liquor amounting to one percent of net revenue.

Resolution adopted.

**HB 781**

relative to embalmers, morticians and funeral directors. Ought to pass. Rep. Vesta M. Roy for Public Health and Welfare.

This bill eliminates the reference to serving a one-year embalmer's apprenticeship, required at the effective date of this chapter and which is no longer applicable. Additionally, it doubles all fees payable under this chapter.

Referred to Appropriations.

**HB 759**

permitting access from Rockingham Boulevard to a tract of land on the southerly side thereof. Lay on table pending legal action and/or opinions now pending. Rep. Ellis for Public Works.

This plan is agreeable to the sponsors.

Laid on table pending legal action and/or opinions now pending.

**HB 797**

relative to changing the amount of retainage withheld on state construction contracts. Inexpedient to legislate. Rep. Fortier for Public Works.

Bill withdrawn by sponsor.

Resolution adopted.

**SB 44**

relative to the notice required for the lay out of class IV, V, VI highways. Ought to pass. Rep. Martineau for Public Works.

The bill allows the notice to the landowner for the laying out of Class IV, V or VI highways to be sent by certified mail. Under the existing law it must be personally delivered or left at the owner's abode.

Ordered to third reading.



**HB 533**

to authorize the water resources board to acquire the dam and water rights on Lower Beach Pond in Tuftonboro; and making an appropriation therefor. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

Matter covered by proposed water impoundment legislation.

Resolution adopted.

**HB 819**

relative to tires as defective equipment on motor vehicles. Ought to pass with amendment. Rep. Hamel for Transportation.

Amendment rewrites bill to include tires among the items listed on a defective equipment tag. Motorist would be allowed a limited time to correct defect under certain conditions.

**AMENDMENT**

Amend section 1 of said bill by striking out said section and inserting in place thereof the following:

1 Tire Tread Depth Requirements. Amend RSA 263 by inserting after section 88 the following new section:

263-88-a Listed. The so-called defective equipment tag given out by the motor vehicle division shall include among items there listed defective tires as set forth in this subdivision.

Amendment adopted.

Ordered to third reading.

**SB 93**

prohibiting any person from riding in any type of trailer while being moved upon a highway. Ought to pass with amendment. Rep. Hamel for Transportation.

Adds definition of "automobile utility trailer" to the RSA. Amendment excludes trailers carrying livestock.

**AMENDMENT**

Amend RSA 259:1, XXXI-a, as inserted by section 2 of

the bill by striking out said paragraph and inserting in place thereof the following:

XXXI-a. "Automobile Utility Trailer", any trailer suitable for towing by a passenger automobile or pick-up truck, and which is being towed by such vehicle for the purpose of hauling personal property intra-state or inter-state; excepting such trailers when hauling livestock.

Amendment adopted.

Ordered to third reading.

## RECESS

## AFTER RECESS

## COMMITTEE REPORTS CONTINUED

### **SJR 7**

providing a supplemental appropriation for the New Hampshire historical commission. Inexpedient to legislate. Rep. Drake for Appropriations.

Will be covered by amendment to HB 888.

Resolution adopted.

### **SB 140**

amending the charter of the city of Concord relative to city council vacancies and absentee voting. Ought to pass. Rep. Rich for the Concord Delegation.

Bill covers only Concord, N. H. Solves a problem relative to filling vacancies which have occurred in the city council.

Ordered to third reading.

### **HB 815**

relative to the requirements for resident tuition in the state university system. Inexpedient to legislate. Rep. Hager for Education.

Material covered in this bill is already covered in HB 617.

Resolution adopted.

### **HB 756**

relative to the prohibition of certain pesticides and insecti-

cides in urban areas. Inexpedient to legislate. Rep. Greene for Environment and Agriculture.

Committee is sympathetic with the problem that prompted introduction of the bill. However, the solution should be sought at the local level, and we recommend consultation with the Pesticide Control Board. The Pesticide Board should approve the spray application plan before it is undertaken, and should insist on proper management of those spray application programs instituted after a local referendum vote.

Resolution adopted.

### HB 751

providing for the exemption and withdrawal of town and city managers from compulsory membership in the state retirement system. Ought to pass with amendment. Rep. Cobleigh for Executive Departments and Administration.

This involves only a small number of people, and is a valid request. Amendment sets time limit by which they must leave system and specifies where money goes when withdrawn.

### AMENDMENT

Amend RSA 100-A:22 as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

100-A:22 Modifications. Membership in the retirement system shall be optional for officers and employees of the employer who are in the service of the employer on the date when participation becomes effective, and any such officer or employee who elects to join the retirement system within one year thereafter shall be credited with prior service covering such periods of prior service rendered to such employer for which the employer is willing to make accrued liability contributions. Thereafter, service for such employer on account of which contributions are made by the employer and member shall also be considered as creditable service. Membership shall be compulsory for all employees entering the service of such employer after the date participation becomes effective. Municipalities may, by action of their city council or board of selectmen, ex-

empt their chief administrative officer, as an unclassified employee, from compulsory membership provided herein. Any such officer who is presently a member of the retirement system shall be entitled to have any accumulated contributions and the accumulated interest thereon in his or his employer's account, paid over to him and the employer respectively for the express purpose of having said accumulated contributions or equal amounts of monies contributed to the International City Management Retirement Corporation within twelve months of the effective date of this section. The chief fiscal officer of the employer, and the heads of its departments, shall submit to the board of trustees such information and shall cause to be performed with respect to the employees of such employer, who are members of the retirement system, such duties as shall be prescribed by the board of trustees in order to carry out the provisions of this chapter.

Amendment adopted.

Referred to Appropriations.

#### **SB 11**

providing for annual summary fiscal reports. Ought to pass. Rep. McLane for Executive Departments and Administration.

Will promote fiscal responsibility and citizen trust.

Referred to Appropriations.

#### **SB 70**

relative to per diem paid monthly to employees of the state police for expenses incurred in the performance and discharge of their duties. Ought to pass. Rep. Cobleigh for Executive Departments and Administration.

Will make per diem payments fairer and easier to administer.

Referred to Appropriations.

#### **HB 764**

providing for a liquor license for passenger vessels. Ought to pass with amendment. Rep. Vachon for Liquor Laws.

The committee was unanimous on this vote with the hope that if it is signed into law these vessels can procure a li-

cense and be in operation this summer for the benefit of the tourist trade.

### AMENDMENT

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon passage.

Amendment adopted.

Ordered to third reading.

### HB 742

relative to the manufacture of paint containing excessive amounts of lead and the use thereof on the interior of dwelling places. Refer to Public Health and Welfare Standing Committee for interim study, and report to next succeeding session of the legislature. Rep. Roma A. Spaulding for Public Health and Welfare.

Unanimous decision of committee that this bill be sent to Public Health and Welfare Standing Committee for interim study and report to next succeeding session of the legislature.

Referred to Public Health and Welfare Standing Committee for interim study, and report to next succeeding session of the legislature.

### HB 457

relative to the distribution and disposition of resident taxes. Inexpedient to legislate. Rep. Nutt for Ways and Means.

The intention of this bill is to simplify and clarify the collection of resident taxes in the treasurer's office, but this bill was considered by the committee to force towns to pay uncollected taxes or abate them within the tax year. The vote was unanimous.

Resolution adopted.

### HJR 16

establishing a committee to study property tax exemptions. Inexpedient to legislate. Rep. Nutt for Ways and Means.

Bill would create another study committee to deal with



tax exempt property. The Ways and Means Committee felt the study was directed only to seek a solution to special problems in certain areas. The bill was not broadly supported. Committee vote was 15-1.

Resolution adopted.

The Speaker called for the Special Order on:

### **HB 337**

increasing boat registration fees and providing a continuing appropriation of such fees for the use of the division of safety services. Ought to pass with amendment. Rep. Hamel for Transportation.

Amendment completely rewrites the boat registration laws so that all boat owners who use New Hampshire waters will pay the same fees. Increases fees moderately but repeals the town tax. Reimburses towns for actual expenditures on boating and clarifies duties of the Division of Safety Services.

Rep. George I. Wiggins moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. Hamel, Woods and French spoke against the motion.

Reps. Lawton, Sherman, Huggins and Harrison spoke in favor of the motion.

Rep. Cobleigh moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted.

### **SUSPENSION OF RULES**

Reps. George B. Roberts, Jr. and Coutermarsh moved that the rules of the House be so far suspended as to allow committees to post hearings with only one day's notice in the calendar.

Reps. George B. Roberts, Jr. and Coutermarsh spoke in favor of the motion.

(discussion)

Adopted by the necessary two-thirds.

### COMMITTEE REPORTS CONTINUED

The Speaker called for the Special Order on:

#### **HB 788**

relative to a warranty bond for automobiles sold in this state. Inexpedient to legislate. Rep. Hamel for Transportation.

This would not solve the problem it seeks to correct. Buyers would still have to go to court to collect.

Rep. Gelinas moved that the words, ought to pass with amendment, be substituted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Rep. Hamel spoke against the motion.

Rep. James W. Murray spoke in favor of the motion.

Reps. Bernier, Allen, Lamy, Hood, Pryor, Chambers, Wayne E. Helie, Anthony Stevens and Dudley non-spoke in favor of the motion.

Rep. Hamel requested a division.

It being manifestly in the affirmative the motion prevailed.

Question being on the Gelinas' amendment.

### AMENDMENT

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Posting of Bonds. Amend RSA 407-A by inserting after section 3 the following new sections:

407-A:3-a Surety Bond. Every manufacturer, importer and/or distributor of passenger automobiles and pickup trucks with a rated load of one ton or less, shall certify, to the division of consumer protection in the office of the attorney general, assets of not less than fifty thousand dollars located in New Hampshire or shall post a surety bond of not less than fifty thousand dollars with said division, to insure warranties. The type of surety bond shall be designated by the division of consumer protection in the office of the attorney general.

407-A:3-b Damages; Breach of Warranty. Any person to whom a warranty extends shall be entitled to damages, costs and reasonable attorney's fees on all claims against a manufacturer, importer, dealer and/or distributor if such person prevails in any action for breach of warranty.

Amendment adopted.

Ordered to third reading.

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Rep. Nardi moved that HB 785, to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts, be made a Special Order for tomorrow.

Rep. William P. Boucher spoke in favor of the motion.

Adopted.

#### NOTICE OF RECONSIDERATION

Rep. Tony Smith served notice that today or some subsequent day he would ask the House to reconsider its action in killing HB 476, relative to registration of professional bondsmen.

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Consent Calendar Day Wednesday morning May 23; regular calendar Wednesday afternoon.

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#### SB 27

relative to straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries. Majority: Inexpedient to legislate; Rep. Russell C. Chase for Statutory Revision. Minority: Ought to pass. (Reps. William J. Stevens, Newell and Altman)

The majority of the committee felt that the straight ticket voting option is important and should be continued.

Minority: Government will be best served by voting procedures which tend to give the voters a greater opportunity to select candidates who reflect their views.

Rep. Newell moved that the report of the minority, ought to pass, be substituted for the report of the majority, inexpedient to legislate, and spoke in favor of the motion.

Reps. Lawton, Cate, Merrill, Parr, Daniel J. Healy and George B. Roberts, Jr. spoke against the motion.

(discussion)

Reps. Gallen, McLane, Messina, Altman, Zachos, Joseph M. Eaton and Coutermarsh spoke in favor of the motion.

Reps. Boisvert, Allen, Gillmore, Simard, Lebel, Boisse, D'Allesandro, Duprey, Barka, Vesta M. Roy, Anthony Stevens, Gelinas, Dudley, Belair, Tuttle, DeCesare, Hildreth, Roderick H. O'Connor, Southwick, Call, Bernier, Splaine, Webb, Chambers, Mary J. Sullivan, Buckley, Leonard A. Smith, Joseph L. Cote, Anthony K. Jones, Williamson, Elizabeth E. Goff, Bergeron, Craig D. Smith, Beckett, Knight, Spirou, James W. Murray, Harold E. Thomson, and Cunningham nonspoke in favor of the motion.

Reps. James A. Humphrey, Howard S. Humphrey, Rock, Carswell, Brungot, Fred E. Murray, and Curran nonspoke against the motion.

Reps. Boisvert, Altman and Chamberlin moved the previous question.

Sufficiently seconded.

A division was requested.

119 members having voted in the affirmative and 176 in the negative, the motion lost.

Rep. Lawton moved that SB 27 be indefinitely postponed.

Adopted.

Reps. Gardner and Ellis wished to be recorded in favor of the minority report on SB 27.

Rep. Horan challenged the ruling of the Speaker in regard to locking the doors during a recess.

On a division vote, the Speaker's ruling was upheld.

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The Speaker addressed the House briefly.

## POINT OF ORDER

Rep. Vachon rose on a point of order.

(Deputy Speaker in the Chair)

## COMMITTEE REPORTS CONTINUED

**HB 851**

providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies. Refer to Municipal and County Government Standing Committee for interim study and report not later than February 28, 1974. Rep. Benton for Municipal and County Government.

This bill has merit and the committee felt that it should be considered in interim study in conjunction with other legislation in the field of "planning and zoning." Municipalities having a pressing need for a zoning ordinance could make immediate use of the concept and the provisions of this bill if the need arose.

Rep. Chamberlin moved that the words, ought to pass with amendment, be substituted for the committee report, refer to Municipal and County Government Standing Committee for interim study and report not later than February 28, 1974.

Rep. Chamberlin moved to dispense with the reading of the amendment.

Adopted.

## AMENDMENT

Amend RSA 31:99 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

31:99 Interim Zoning Ordinance. In any town which does not have a planning board, as provided by RSA 36, or a zoning ordinance, as provided in this chapter; or in any town having such a planning board, but which does not have in effect such a zoning ordinance, the selectmen, upon recommendation of such planning board, or upon written application to them for this purpose signed by five percent of the voters of the town, shall call a special town meeting, warning the same as provided by law, to act upon the following question: "Shall the town



adopt the provisions of RSA 36-C entitled 'Emergency Temporary Zoning and Planning Ordinance'?" The provisions of RSA 31:63 through RSA 31:65, relating to method of enactment, shall not apply; provided, however, that there shall be a public hearing, with all due notification, not more than seven calendar days before the proposed special town meeting. There shall be reasonable opportunity for debate of such question at such town meeting, before balloting commences. Voting shall be by ballot, with the use of the checklist used at the most recent annual meeting, plus any new registrations, and the polls shall remain open at least two hours after debate has ended for the casting of ballots. If the foregoing question receives affirmative votes amounting at least to a majority of those present and voting, RSA 36-C shall take effect forthwith in said town and shall remain in effect until:

I. Two annual town meetings shall have been held; or

II. The voters of the town consider a zoning ordinance as provided for by this chapter, whichever period of time is lesser. Provided however, that if no such zoning ordinance has been considered, and no zoning ordinance under the applicable provisions of this chapter has been proposed for action at the second such annual town meeting, the selectmen shall include in the warrant for such meeting the following question to be voted upon by ballot after discussion: To see if the town will vote to continue for one additional year the temporary zoning ordinance enacted under the provisions of RSA 36-C. If a majority of those present and voting on said article vote in the affirmative, the provisions of RSA 36-C shall remain in effect in the town for one year from the date of such meeting. If a majority of those present and voting on the article vote in the negative, the provisions of RSA 36-C shall cease to be in effect.

Amend RSA 36-C:1, IV as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IV. "Setback" shall mean the distance between the nearest portion of a building and a lot or right-of-way line, whichever is closer.

Amend RSA 36-C:1, IX as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

IX. "Lot" shall mean a parcel of land at least sufficient in size to meet the minimum requirements for use, coverage and area and to provide required yards and other open spaces. An undersize lot is permissible, if it passes state standards for soil conditions and substantially meets the requirements here, if in existence on effective date of this act.

Amend RSA 36-C:2, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. Lots shall be at least one acre minimum in size, or larger, depending on soil and slope conditions, as may be suitable to sustain development according to state standards.

Amend RSA 36-C:2, IV, (a) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(a) Minimum distance between any building and the edge of a right-of-way shall be fifty feet.

Amend RSA 36-C:2, IV, (e) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

(e) A deviation of twenty percent is allowed for side and rear setbacks in extenuating circumstances, as shall be recommended by the planning board or the selectmen, if there is no planning board.

Amend RSA 36-C:2, VI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VI. Hotels, motels and tourist homes may be maintained and operated by special exception, provided that there be adequate parking and traffic provisions, that health standards be maintained, and that there be no detriment to the neighborhood.

Amend RSA 36-C:2, VII as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VII. Private schools, nursing homes and sanitariums may be maintained by special exception provided that there be ade-

quate parking and traffic provisions, that health standards be maintained, and that there be no detriment to the neighborhood.

Rep. Chamberlin explained the amendment.

Reps. Conley, Colburn, Greene, Richard L. Bradley and Williamson spoke in favor of the motion.

Reps. Benton, Curran and Hanson spoke against the motion.

Reps. Ellis, Lambert and Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the affirmative the motion prevailed.

Amendment adopted.

Ordered to third reading.

### **HB 379**

(New Draft), relative to limited hardship licenses to operate a motor vehicle. Ought to pass with amendment. Rep. D'Amante for Transportation.

Allows the court to grant a hardship license under certain conditions. If the conditions are violated, license will be revoked for one year regardless of the first penalty.

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Rep. James A. Humphrey requested a quorum count.

304 members having answered the call, a quorum was declared present.

Rep. Hamel moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Lebel and James A. Humphrey spoke in favor of the motion.

Rep. D'Amante spoke against the motion.

(discussion)

Reps. Senter, Soule, Boisse, George J. Thibeault, G. Winthrop Brown, Kenneth W. Spalding, Kopperl and Patrick non-spoke in favor of the motion.

A division was requested.

133 members having voted in the affirmative and 123 in the negative, the motion prevailed.

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Rep. Sweeney moved that HB 678, to limit the application of rules and regulations affecting day care centers promulgated and enforced by the welfare department, be made a Special Order for Wednesday, May 23, and spoke in favor of the motion

Motion prevailed.

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#### EXTENSION

Rep. Daniels moved that the committee on Public Works be granted a six-day extension on SB 56, revising the scenic roads act.

Granted.

#### SENATE MESSAGE ADOPTION COMMITTEE OF CONFERENCE REPORT

HB 232, relative to the process of reregistration of eligible voters.

#### RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet tomorrow at 11:00 a.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 820, relative to limitations on the investment authority of building and loan associations, cooperative banks and savings and loan associations.

SB 95, abolishing the position of assistant bank commissioner. '

HB 771, relative to the appointment of the police commission in the city of Claremont, by the city manager.

HB 829, relative to doping and stimulating animals at equine events.

HB 580, relative to jury trials of minor offenses.

HB 702, relative to the terms of jurors.

HB 854, relative to the duty of county treasurers.

HB 855, delineating the duties of the clerk of the board of county commissioners.

SB 44, relative to the notice required for the lay out of class IV, V, VI highways.

HB 819, relative to tires as defective equipment on motor vehicles. '

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway.

SB 140, amending the charter of the city of Concord relative to city council vacancies and absentee voting.

HB 764, providing for a liquor license for passenger vessels.

HB 788, relative to a warranty bond for automobiles sold in this state.

HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies.

The Speaker announced that today was Rep. Joseph A. McEachern's 71st birthday.



## RECONSIDERATIONS

Rep. George B. Roberts, Jr. moved Reconsideration on SB 27, relative to straight ticket voting in all biennial elections, all other elections of national or state officers, and primaries.

Reconsideration lost.

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Rep. Sara M. Townsend moved Reconsideration on HB 851, providing for an emergency temporary zoning and planning ordinance and for the adoption of same in emergencies.

Reconsideration lost.

Rep. James A. Humphrey moved Reconsideration on HB 379, relative to limited hardship licenses to operate a motor vehicle.

Reconsideration lost.

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On motion of Rep. Goodrich the House adjourned at 6:10 p.m. in memory of and extending sympathy to the families of Claude Goodrich, Paul Crawford, Stewart Kimball and son, Peter Cook and son.

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*Thursday, 17May73*

The House met at 11:00 o'clock.

Prayer was offered by House Chaplain Rev. Joseph Y. Beaulieu.

Free us, Father from everything that keeps us from each other and from You. Grant us today and every day the peace which Your Son has promised us. So may we live as You have asked us to live, as brothers and as Your sons. Amen.

## PLEDGE OF ALLEGIANCE

Rep. Harold E. Thomson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Lynch and Palfrey, the day, illness.

Rep. Taber, the day, important business.

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Rep. Zachos offered the following:

## RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 960 through 991 and House Joint Resolutions numbered 47 through 49 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HB's and HJR's

First, second reading and referral

HB 960, relative to interest rates allowable for credit buying. (Murray of Belknap Dist. 9; Lebel of Hillsborough Dist. 24 — To Banks and Insurance.)

HB 961, relative to automobile road test reports. (Gelinas of Hillsborough Dist. 31 — To Transportation.)

HB 962, making the water supply and pollution control commission a self-sustaining agency. (Currier of Hillsborough Dist. 15; Seamans of Hillsborough Dist. 15; Twigg of Belknap Dist. 4 — To Resources, Recreation and Development.)

HB 963, providing for the regulation of sand, gravel and rock excavations. (Williamson of Sullivan Dist. 9 — To Environment and Agriculture.)

HB 964, relative to certain exemptions from filing plans and specifications of sewage disposal systems. (Spalding of Hillsborough Dist. 10 — To Resources, Recreation and Development.)

HB 965, requesting a rehearing before the zoning board of adjustment by the board of selectmen. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government.)

HB 966, relative to remedies and penalties for violations of laws relating to tidal waters. (Roberts of Belknap Dist. 4 — To Executive Departments and Administration.)

HB 967, making it mandatory for the secured party to file a discharge statement under the uniform commercial code. (Ethier of Hillsborough Dist. 16 — To Judiciary.)

HB 968, providing for gratuities to employees, if declared, being considered as wages for purposes of unemployment compensation. (Pierce of Belknap Dist. 7 — To Labor, Human Resources and Rehabilitation.)

HB 969, relative to the election laws. (Spirou of Hillsborough Dist. 27 — To Statutory Revision.)

HB 970, relative to the operation of motorboats on Big Pea Porridge Pond in the town of Madison. (Conley of Carroll Dist. 3; Davis of Carroll Dist. 3 — To Resources, Recreation and Development.)

HB 971, relative to the elements of the crimes of capital murder, non-capital murder and manslaughter and to the penalties for the crime of murder. (Lewko of Sullivan Dist. 6 — To Judiciary).

HB 972, relative to qualifications of candidates and signers on nominating petitions for a candidate for a state office. (Merrill of Grafton Dist. 14; Chandler of Merrimack Dist. 3 — To Statutory Revision).

HB 973, to amend the uniform commercial code with respect to the manner of transferring investment securities. (Milne of Hillsborough Dist. 25 — To Banks and Insurance).

HB 974, relative to the high school equivalency examination. (Bradley of Grafton Dist. 13 — To Education).

HB 975, relative to the use of recording devices in superior and district courts. (Forcier of Cheshire Dist. 8 — To Judiciary).

HB 976, relating to savings bank investments in mobile home loans. (Bigelow of Merrimack Dist. 3 — To Banks and Insurance.)

HB 977, establishing a personnel advisory board for the city

of Manchester. (McDonough of Hillsborough Dist. 29 — To Special Committee: Manchester Delegation).

HB 978, establishing a police commission for the city of Dover. (Donnelly of Strafford Dist. 14 — To Special Committee: Dover Delegation).

HB 979, establishing the Portsmouth Union School District and giving such district independent fiscal and appropriating powers. (Splaine of Rockingham Dist. 19 — To Special Committee: Portsmouth Delegation).

HB 980, relative to excreting or defecating on public property when in the privacy of woods, away from public view. (Parker of Hillsborough Dist. 17 — To Judiciary).

HB 981, amending, in general, sections of the chapter on probation in the RSA. (McManus of Strafford Dist. 17 — To Judiciary).

HB 982, changing the effective date of the criminal code. (Buckman of Grafton Dist. 9 — To Judiciary).

HB 983, relative to granting cable television franchises. (Ethier of Hillsborough Dist. 16 — To Statutory Revision).

HB 984, relative to landlord-tenant relations. (McManus of Strafford Dist. 17 — To Judiciary).

HB 985, relative to blood alcohol content evidence for drivers under the age of twenty-one. (Sullivan of Hillsborough Dist. 23 — To Transportation).

HB 986, relative to recovery of medical assistance from legally liable parties. (Noble of Merrimack Dist. 21 — To Judiciary).

HB 987, relative to the alternate salary of special justices of district courts. (Spirou of Hillsborough Dist. 27 — To Judiciary).

HB 988, establishing a third New Hampshire state song. (Cox of Carroll Dist. 2 — To Statutory Revision).

HB 989, relative to the distribution of digit number plates. (Hood of Belknap 5 — To Transportation).

HB 990, providing for the election of city officers in the city of Nashua on a political party basis. (Ouellette of Hillsborough

Dist. 23; Boisvert of Hillsborough Dist. 22 — To Special Committee — Nashua Delegation.)

HB 991, relative to criminal type business. (Nelson of Hillsborough Dist. 9 — To Executive Departments and Administration).

HJR 47, providing for a legislative committee to study the means of implementing a furlough system, at the New Hampshire state prison. (Gorman of Rockingham Dist. 4 — To State Institutions.)

HJR 48, establishing a study commission on the problem of unemployed citizens in New Hampshire. (Hildreth of Belknap Dist. 7; Coutermarsh of Hillsborough Dist. 24; Smith of Hillsborough Dist. 27; O'Connor of Strafford Dist. 15 — To Labor, Human Resources and Rehabilitation.)

HJR 49, to create an interim study committee to study the need, form and content of a uniform probate code and to draft legislation, if need be. (Beckett of Strafford Dist. 4; Jones of Merrimack Dist. 17; Frizzell of Sullivan Dist. 7; Forcier of Cheshire Dist. 8; Stevens of Cheshire Dist. 1 — To Judiciary).

## SENATE MESSAGES

### INTRODUCTION OF SB's and SCR

#### First, second reading and referral

SB 142, amending the Rochester city charter to provide that the mayor shall be a nonvoting member of the school board. Education.

SB 132, to exempt nonprofit health care facilities from provisions of the fair trade law. Public Health and Welfare.

SB 74, authorizing the position of special assistant county attorney to assist the county attorney, to speed up the disposition of criminal cases. Judiciary.

SB 97, relative to the discipline of students on school buses. Education.

SB 90, relative to the termination of parental rights. Judiciary.

SCR 7, regarding air operations over Cambodia. Military and Veterans Affairs.



### ACCEDED REQUEST FOR COMMITTEE OF CONFERENCE

HB 565, requiring only motor vehicle accidents where damages are three hundred dollars and above to be reported.

The President appointed Sens. Bradley, Claveau, Lamontagne, Jacobson and Bossie.

### CONCURRENCE SB WITH HOUSE AMENDMENT

SB 49, relative to prohibited conduct of real estate brokers and salesmen and licenses of real estate brokers and salesmen.

### CONCURRENCE

HCR 13, memorializing the Congress of the United States not to rebuild North Vietnam.

HCR 15, relative to the Isaac Hill mansion.

### ENROLLED BILLS REPORT

HB 199, requiring suitable exhaust systems on motorized vehicles and equipment operating in woodlands without snowcover.

HB 368, authorizing the governor to enter into a contract with Dartmouth Medical School to guarantee openings for qualified New Hampshire students and making an appropriation therefor.

Mabel L. Richardson  
*For The Committee*

### COMMITTEE REPORTS

The Speaker called for the Special Order on:

#### HB 422

relative to various personal exemptions under the interest and dividends tax. Ought to pass with amendment. Rep. Hall for Ways and Means.

Committee felt an increase in personal exemption to agree with the federal personal exemption is justified because the burden of inflation falls most heavily on elderly people with fixed incomes.

## AMENDMENT

Amend the title of said bill by striking out the same and inserting in place thereof the following:

## AN ACT

increasing the personal exemption under the  
interest and dividends tax.

Amend said bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Income Tax. Amend RSA 77:5 by striking out said section and inserting in place thereof the following:

77:5 Exemption. Seven hundred and fifty dollars of each income otherwise taxable shall be exempt.

2 Application. The provisions of this act shall apply to all taxable income under RSA 77 which is received during the calendar year 1973, and each calendar year thereafter.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Read offered an amendment.

## AMENDMENT

Amend RSA 77:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

77:5 Exemptions. Each taxpayer shall be entitled to an exemption from income which is otherwise taxable of six hundred dollars. In addition, six hundred dollars shall be exempt from income otherwise taxable for each taxpayer who attains the age of sixty-five or over during the taxable year.

The clerk read the amendment in full.

Rep. Read explained his amendment.

(discussion)

Rep. Sayer explained the bill.

Reps. Hall, Anne B. Gordon, Gerry F. Parker and Daniel J. Healy spoke against the Read amendment.

Reps. Fortier and Allen spoke in favor of the Read amendment.

Reps. Boisvert and Lambert moved the previous question. Sufficiently seconded.

Adopted.

A division was requested.

It being manifestly in the affirmative, the Read amendment adopted.

Ordered to third reading.

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Rep. Sayer asked that the House stand in a moment of silent prayer to honor the memory of Rep. Hall's mother and Rep. Hall's devotion to her constituents.

Unanimously acknowledged by a rising vote and a minute of silent prayer.

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#### **HB 256**

relative to outdoor advertising on the interstate, federal-aid systems and turnpikes. Ought to pass. Rep. Drake for Appropriations.

This bill merely continues the present RSA on outdoor advertising on interstate federal aid systems and turnpikes until sixty days after the adjournment of the 1975 session of the General Court. It also eliminates one paragraph of the present law to meet federal standards as requested by the Attorney General.

Ordered to third reading.

#### **HB 266**

relative to salary increases upon certification and eligibility for certification of certain medical personnel. Ought to pass. Rep. Drake for Appropriations.

Allows for increase in annual salary of unclassified or classified employees by \$1,000 if they are board eligible and \$3,000 if they are board certified in any medical, dental or surgical specialty.

Ordered to third reading.

**SJR 5**

providing a supplemental appropriation for the cancer commission. Ought to pass. Rep. Drake for Appropriations.

Provides for deficit appropriation of \$40,000 for 1973.

Ordered to third reading.

**HB 639**

relative to permitting the Lord's Prayer and the pledge of allegiance in public schools at local option. Majority: Ought to pass with amendment; Rep. Albert C. Jones for Education. First Minority: Ought to pass with amendment; (Reps. T. Anne Webster, Mary R. Roy, LaRoche, French, DeCesare, William P. Boucher, Rock and Cecelia L. Winn); Second Minority: Inexpedient to legislate. (Rep. Horan)

Majority: Since the founding of New Hampshire and the United States concerning the free and voluntary exercise of religious observance, a majority of the committee recommends passage of the bill as amended.

First Minority: Feels that the bill as originally drafted with minor amendments as proposed by the State Board of Education is a bill worthy of the full consideration of the entire General Court.

Second Minority: The bill is poorly drafted.

Rep. William P. Boucher moved that the report of the first minority, ought to pass with amendment, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the amendment.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Declaration of Purpose. The general court hereby declares that the Lord's Prayer has become a part of our heritage and culture and has become, and still is, a symbol of our religious freedom. Because the Lord's Prayer is such a symbol of freedom and because the pledge of allegiance to the flag of the United States is likewise an affirmation of our many freedoms, the general court declares it to be in the public interest to encourage school boards and school districts to authorize the recitation of

the Lord's Prayer and the pledge of allegiance to the flag in the public schools every day.

2 Adoption in School Districts. Amend RSA 194 by inserting after section 3 the following new section.

194:3-a Lord's Prayer and Pledge of Allegiance in Public Schools. A school district may authorize the voluntary recitation of the Lord's Prayer and the pledge of allegiance to the United States flag in the public schools in the following manner:

I. Upon unanimous vote of the school board; or

II. Upon approval by majority vote at any duly warned school district meeting in accordance with the procedure specified in RSA 197:1 or RSA 195:13.

3 Adoption in Cities. Amend RSA 47 by inserting after section 26 the following new subdivision:

#### Prayer in Public Schools

47:27 Lord's Prayer and Pledge of Allegiance in Public Schools. A city may authorize the voluntary recitation of the Lord's Prayer and the pledge of allegiance to the United States flag in the public schools in the following manner:

I. Upon a vote of approval of two-thirds of the members of the school board; or

II. By voter referendum at any regular municipal election for the election of city officers. The question shall be placed on the official ballot upon a majority vote of the school board or upon submission of a petition signed by ten percent of the registered voters of the city to the school board. The provisions of this section shall be deemed to have been adopted upon approval by a majority of those voting on the question.

4 Effective Date. This act shall take effect sixty days after its passage.

Reps. Webb, Lockhart, Albert C. Jones, Horan, Donnelly, Daniell and Winkley spoke against the motion.

Reps. Cecelia L. Winn, T. Anne Webster and Barrus spoke in favor of the motion.

Reps. Seamans, Southwick, David T. Sullivan, Barka,



Hackler, Hodgdon, Chandler, Vesta M. Roy, Burke, Dorothy W. Davis, Donald K. Howard, Helen F. Wilson, Roy W. Davis, Tripp, Gagnon, Pryor, Lebel, Brungot, Curran, Harvey, Romeo A. Chasse and Boisvert, nonspoke in favor of the first minority report.

Rep. Cobleigh moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

192 members having voted in the affirmative and 71 in the negative, the motion prevailed.

First minority amendment adopted.

Rep. Horan moved that HB 639 be reported inexpedient to legislate, and spoke in favor of the motion.

Rep. Nelson moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Ordered to third reading.

## RECESS

## AFTER RECESS

## ENROLLED BILLS REPORT

HB 308, relative to the income and operating charges of state buildings at Eastern States Exposition.

HB 352, relative to state-wide school food and nutrition programs.

HB 398, prohibiting use of certain types of traps.

HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist in relation to the pesticides control board in the absence of the executive director.

HB 667, to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg.

SB 44, relative to the notice required for the lay out of class IV, V, VI highways.

SB 95, abolishing the position of assistant bank commissioner.

Mabel L. Richardson  
*For The Committee*

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 260, limiting to two sets the number of legislative registration plates.

(Amendment printed in SJ May 16)

Rep. Russell C. Chase moved the House concur with the Senate amendment.

Adopted.

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Rep. George B. Roberts, Jr. and Coutermarsh offered the following:

#### HOUSE RESOLUTION 18

*Whereas*, on May 1, 1973 the students from the University of New Hampshire's Speech and Drama Department presented the "Sounds of the Silver Screen" before the General Court convened; and

*Whereas*, this musical presentation was made possible through the successful implementation of Project TRY, Theater Resources for Youth; and

*Whereas*, this group of students performed with distinction, being a credit not only to themselves and their school but also to Project TRY itself;

*Whereas*, such performances readily justify our faith in the younger generation which all too many are so quick to criticize;

*Now Therefore Be It Resolved* by the House, of the State of New Hampshire assembled, that we heartily commend and congratulate those students for their fine effort and a truly heartwarming presentation; and

*Be It Further Resolved*, that we thank Ms. Sue Goldin for

her fine direction and devotion in making the "Sounds of the Silver Screen" such an outstanding success.

Adopted.

#### COMMITTEE REPORTS CONTINUED

**HB 832**

increasing the debt limit for the Merrimack school district. Ought to pass. Rep. Rock for Education.

This legislation will allow the citizens of Merrimack to vote on their bond issue before the land valuation of 1975.

Ordered to third reading.

**HB 285**

relative to the taking of deer and the open season for deer. Inexpedient to legislate. Rep. Chamberlin for Fish and Game.

A better law is provided in HB 387.

Resolution adopted.

**HB 766**

relative to New Hampshire fishery laws. Inexpedient to legislate. Rep. Chamberlin for Fish and Game.

Present law is sufficient.

Resolution adopted.

**SB 106**

relative to the use of voting machines. Ought to pass. Rep. Bergeron for Municipal and County Government.

Existing statutes require the continued and sole use of voting machines, once adopted by a municipality. Permissive legislation by which the governing board of a municipality may petition the Ballot Law Commission to permit the use of paper ballots, even though the municipality may have previously adopted the use of voting machines. Expert testimony revealed that there would be instances where the use of a paper ballot would prove to be more economical and expeditious than the voting machine.

Ordered to third reading.

**HB 847**

permitting the employment of inmates of houses of cor-

rection at municipally owned recreational facilities. Ought to pass with amendment. Rep. Savage for Municipal and County Government.

Legislation permits further use of jail prisoners or house of correction inmates, to work on municipally owned recreational facilities and conservation projects. Present statute limits use of prisoners, etc. to work only on certain state projects. Compensation to county for use of labor is a matter to be negotiated between county commissioners and local officials.

### AMENDMENT

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

permitting the employment of inmates of houses of correction at municipally owned recreational facilities and conservation projects.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Employment of Inmates of Houses of Correction. Amend RSA 607:28 by inserting in line six after the word "prisoners" the following (, or at municipally owned recreational facilities and conservation projects.) so that said section as amended shall read as follows:

607:28 Prisoners in Jail, etc. The county commissioners of any county may make arrangements with the state commissioner of public works or highways or with officials of a city or town to work prisoners from the jail or house of correction on the construction, improvement or maintenance of highways, or preparation of road materials, or with the state forester for the employment of such prisoners, or at municipally owned recreational facilities and conservation projects.

Amendment adopted.

Ordered to third reading.

(Speaker in the Chair)

The Speaker called for the Special Order on:

**HB 785**

to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts. Ought to pass with amendment. Rep. Matheson for Education.

While this bill corrects an isolated local situation, it would also prevent similar situations from developing in the future.

**AMENDMENT**

Amend section 2 of the bill by striking out the same and inserting in place thereof the following:

2 Effective Date. This act shall take effect July 1, 1974.

Rep. William P. Boucher moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

Reps. Nardi and Fimlaid spoke against the motion.

Rep. Twigg spoke in favor of the motion.

(discussion)

A division was requested.

It being manifestly in the negative, the motion lost.

Amendment adopted.

Ordered to third reading.

Rep. George B. Roberts, Jr. wished to be recorded in favor of the committee report on HB 785.

**HB 823**

relative to transportation of pupils to schools. Majority: Ought to pass with amendment; Rep. Cecelia L. Winn for Education. Minority: Inexpedient to legislate. (Rep. William P. Boucher)

Majority: The amendment changes the date to allow a full year to prepare for this legislation. The rationale for the legislation seemed well founded and testimony indicated this was needed.



The minority feels that this is an unfair imposition on local option. There are no provisions for exemption for Voc-Tech students traveling considerable distances. There are no provisions for exemption at all.

#### AMENDMENT

Amend section 4 of the bill by striking out the same and inserting in place thereof the following:

4 Effective Date. This act shall take effect September 1, 1974.

Rep. William P. Boucher moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment.

Reps. Lockhart and Cecelia L. Winn spoke against the motion.

(discussion)

Reps. Horan and Twigg spoke in favor of the motion.

A division was requested.

It being manifestly in the negative, the motion lost.

Amendment adopted.

Ordered to third reading.

Rep. George B. Roberts, Jr. wished to be recorded in favor of the committee report.

Rep. Hammond wished to be recorded against the bill.

#### COMMITTEE OF CONFERENCE REPORT

HB 232, relating to changing the type of notice required to one who has failed to re-register as an eligible voter.

(Report printed in SJ May 16)

Rep. Russell C. Chase moved that the House adopt the Committee of Conference Report.

Adopted.

#### HB 843

establishing a postsecondary education commission to ab-

sorb the coordinating board of advanced education and accreditation and the New Hampshire higher education facilities commission. Ought to pass with amendment. Rep. Cotton for Education.

New federal guidelines make it mandatory we adopt such guidelines if we are to benefit from federal funding.

#### AMENDMENT

Amend RSA 188-D:2, IV, as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

IV. Two members to be appointed by the state board of education who shall be a representative of the vocational-technical institute or vocational-technical colleges, one of whom shall be a full-time student thereat, and a resident of the state and whose term shall expire upon graduation or change of status from a full-time student;

Amend RSA 188-D:2, VI, as inserted by section 1 of the bill by striking out the same and inserting in place thereof the following:

VI. One full-time undergraduate student of a private four year college in the state of New Hampshire, to be appointed by the governor and council from a list of at least five students submitted by the New Hampshire College and University Council, and who shall be a resident of New Hampshire;

Amend RSA 186:13-b as inserted by section 2 of the bill by striking out the same and inserting in place thereof the following:

186:13-b Branches or Extension Courses in this State. Any out-of-state institution of higher learning planning to establish a branch, branches, or extension courses, in this state, shall apply to the postsecondary education commission for an evaluation of its plans. Plans for each such branch, branches, or extension courses shall thereupon be evaluated, and, if approved, the branch, branches, or extension courses shall thereupon be accredited for such period and under such regulations as said commission may determine. If a branch, or branches, or program of extension courses are disapproved at any time by said commission all operations and publicity of it shall cease without delay.

Rep. Merrill moved that HB 843 be recommitted to the committee on Education and spoke in favor of the motion.

Rep. Lockhart explained the committee report.

(discussion)

Reps. Frizzell, Cate, Fred E. Murray and Horan spoke in favor of the motion.

Rep. French spoke against the motion.

Rep. Merrill moved that HB 843 be made a Special Order for Tuesday next.

Reps. French and Meserve spoke against the motion.

Motion lost.

Question being on motion to recommit.

Motion lost.

Question being on adoption of committee amendment.

Amendment adopted.

Referred to Appropriations.

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Rep. Arthur F. Mann moved that the remarks of the Education committee be printed in the Journal.

Motion lost.

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### **CACR 33**

relating to special sessions of the general court. Providing that fifty-five percent of the members of the general court may call a special session of the general court. Ought to pass with amendment. Rep. Joncas for Constitutional Revision.

The committee felt that if an emergency situation arose where it was in the interests of the state for the General Court to call itself into special session it should be facilitated over the presently required two-thirds of the total membership. The committee vote was unanimous.

### **AMENDMENT**

Amend the title of the resolution by striking out same and inserting in place thereof the following:

**CONCURRENT RESOLUTION PROPOSING CONSTITUTIONAL AMENDMENT**

**RELATING TO:** Special Sessions of the General Court.  
**PROVIDING THAT:** A majority of the members of the general court may call a special session of the general court.

Amend the resolution by striking out paragraph I and inserting in place thereof the following:

I. Resolved, That Article 15 of Part Second of the Constitution of New Hampshire, as amended, be amended by striking out in line eleven the words "two-thirds vote" and inserting in place thereof the following (majority vote) so that said article, as amended, shall read as follows:

[Art.] 15th [Compensation of the Legislature.] The presiding officers of both houses of the legislature, shall severally receive out of the state treasury as compensation in full for their services for the term elected the sum of two hundred and fifty dollars, and all other members thereof, seasonably attending and not departing without license, the sum of two hundred dollars and each member shall receive mileage for actual daily attendance on legislative days, but not after the legislature shall have been in session for ninety legislative days or after the first day of July following the biennial assembly of the Legislature, whichever occurs first; provided however, that when a special session shall be called by the governor or by a majority vote of the then qualified members of each branch of the general court, such officers and members shall receive for attendance an additional compensation of three dollars per day for a period not exceeding fifteen days and the usual mileage.

Nothing herein shall prevent the payment of additional mileage to members attending committee meetings or on other legislative business on non-legislative days.

Amend the resolution by striking out paragraph IV and inserting in place thereof the following:

IV. Resolved, That the sense of the qualified voters shall be taken by ballot upon the following question submitted to them by the general court:

"Are you in favor of amending the constitution to provide for the calling of a special session of the general court by a ma-

jority vote of the then qualified members of each branch of the general court?"

257 members having voted in the affirmative and 16 in the negative, the amendment was adopted.

At the request of Rep. Nelson, Rep. Harvell answered questions.

Reps. Lawton and Daniel J. Healy spoke against the amendment.

Reps. Joseph M. Eaton and Zachos spoke in favor of the amendment.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Question being on ordering CACR 33 to third reading.

265 members having voted in the affirmative and 32 in the negative, CACR 33 was ordered to third reading by the necessary sixty percent.

### SUSPENSION OF RULES

Rep. Zachos moved that the rules of the House be so far suspended as to place CACR 33 on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

CACR 33, relating to special sessions of the General Court. Providing that: A majority of the members of the general court may call a special session of the general court.

272 members having voted in the affirmative and 33 in the negative, CACR 33 passed by the necessary sixty percent.

### RECONSIDERATION

Rep. Zachos moved Reconsideration on CACR 33.

Reconsideration lost.



The Speaker addressed the House briefly.

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Reps. George B. Roberts, Jr. and Vachon offered the following amendment to Rule 32 for the Rules Committee.

#### AMENDMENT

Amend Rule 32, section (a) by striking out after the words "at mutually agreed periodic times." The words "In addition the Committee shall report to the House all other bills by the date established therefor by the Joint Rules." "All bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass", "ought to pass with amendment", "recommended but to be laid on the table because not funded", or "inexpedient to legislate". ", so that the paragraph now reads as follows: The Committee shall submit to the House on or before May 1 a budget bill for the biennium which submits a balanced budget. The Committee shall work in close cooperation with Ways and Means in determining the state income available for budget purposes at mutually agreed periodic times. Further provided that the Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state.

The clerk read the amendment in full.

Rep. Roberts explained the amendment.

Reps. Drake and Vachon spoke in favor of the amendment.

Amendment adopted by the necessary two-thirds.

#### COMMITTEE REPORTS CONTINUED

##### HB 615

providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting. Majority: Ought to pass; Rep. Huggins for Fish and Game. Minority: Ought to pass with amendment. (Rep. Griffin)

Majority: Gives protection to people in this area.

Minority: The islands mentioned should also be restricted to hunting as they are uninhabited and the hunters would be discharging their guns toward the houses.

## AMENDMENT

Amend RSA 209:6-a, as inserted by section 1 of the bill, by striking out in lines 8, 9, and 10 the words "except that the taking of waterfowl with firearms from the shores of the Pest Island, Leaches Island and Clam Pit Islands shall be permitted." so that said section as amended shall read as follows:

209:6-a Back Channel. The area known as Back Channel, a body of tidal waters between the two New Castle bridges, so-called, and Goat Island and Shapliegh Island to the north; and the Wentworth hotel bridges, so-called, to the south; said body of water being bordered by the town of New Castle to the east; and Sagamore Creek to the Sagamore bridge, the city of Portsmouth and the town of Rye to the west; is closed to all duck hunting or the discharge of firearms. This section shall apply to all islands situated within the above stated boundaries.

Rep. Griffin moved that the report of the minority, ought to pass with amendment, be substituted for the report of the majority, ought to pass, and spoke in favor of the motion.

Reps. Patrick and Maynard spoke against the motion.

Reps. Lockhart, Hammond, Greene and Woods spoke in favor of the motion.

Amendment adopted.

Ordered to third reading.

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Rep. Knight moved that HB 425, to establish standards of care and treatment of alcoholics, intoxicated persons and drug dependent people, and to abolish the crime of common drunkenness, be made a Special Order for Tuesday next.

Adopted.

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**HB 539**

establishing the civil procedures relating to the admission and treatment of the mentally ill and making an appropriation therefor. Ought to pass with amendment. Rep. Buckley for Judiciary.

The bill provides modern procedures for admission to New

Hampshire Hospital either as a voluntary or involuntary patient, probate court review of admissions, and the rights of patients during hospitalization as recommended by the Task Force and as required for re-accreditation.

### AMENDMENT

Amend RSA 135-B:1, as inserted by section 1 of the bill, by inserting after the last sentence thereof the following new sentence, "It is declared to be the policy of this state that mental illness in and of itself is insufficient to commit any individual involuntarily," so that said section shall read as follows:

135-B:1 Purpose and Policy. The purpose of this chapter is to enable the division of mental health, department of health and welfare, to reduce the occurrence, severity and duration of mental, emotional and behavioral disabilities by guaranteeing humane treatment for the mentally ill, and enable the afflicted to obtain needed care and rehabilitation. It is the policy of this state to restore the patient to a useful life and normal place in his own community through individualized treatment and rehabilitation in a mental health facility as well as to protect the community from harm. This chapter is intended to minimize any traumatic effects on the patient's equilibrium and to promote and encourage an integrated system of mental health care, treatment, and rehabilitation. It is declared to be the policy of this state that mental illness in and of itself is sufficient to commit any individual involuntarily.

Amend RSA 135-B:2, XVII, as inserted by section 1 of the bill, by inserting after the last sentence thereof the following, "Said representative shall in no case also be petitioner for involuntary admission of the person he shall represent," so that said section shall read as follows:

XVII. "Representative" means in the following order: the spouse; parent or parents; child or children; legally appointed guardian; a citizen residing in the same county as the patient who is in a position to safeguard the patient's interests and who has been appointed by the patient to so act; or if the patient cannot or will not appoint a representative, then a citizen residing in the same county as the patient who is in a position to safeguard the patient's interest and who has been appointed by the probate court. Said representative shall in no

case also be a petitioner for voluntary admission of the person he shall represent.

Amend RSA 135-B:3, as inserted by section 1 of the bill, by inserting at the end of the first sentence the following, "or the probate court for Merrimack county," so that said section shall read as follows:

135-B:3 Jurisdiction. For proceedings brought under this chapter, jurisdiction is vested in the probate court in the county where the person sought to be committed resides or the probate court for Merrimack County. In the case of a patient receiving uninterrupted treatment from the division for more than one year at a time, jurisdiction for a hearing held pursuant to this chapter is vested in the probate court for the county where the community facility or specialized facility is located that has been treating the patient most recently; unless the court making the initial involuntary admission order has specifically retained jurisdiction over the person to be involuntarily admitted at the time the order was made. Probate court judges presiding at hearings held pursuant to this chapter shall be reimbursed at the same per diem rate as court-appointed referees in superior court pursuant to the provisions of RSA 519:15.

Amend RSA 135-B:8 as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

135-B:8 Appeals from Probate Court. Notwithstanding any other provision of law to the contrary, any person aggrieved by such decree or order has a right of review by the supreme court in the same manner provided for review of cases heard before the superior court.

Amend RSA 135-B:9, as inserted by section 1 of the bill, by inserting after section II thereof, the following new section

III. If a person has been involuntarily committed to the New Hampshire Hospital prior to the effective date of this act, and upon review by the probate court of his commitment, it is determined that he does not meet the criteria established hereunder for involuntary commitment, said person may apply for and shall be granted admission to the specialized facility to which he applies.

Amend RSA 135-B:17, as inserted by section 1 of the bill,

by striking out the word (one) in the second line and inserting in place thereof the word, "two," so that said section shall read as follows:

135-B:17 Admission Period. No one shall be admitted for care on a voluntary basis for longer than a continual period of two years. If after treatment for two years, the patient elects to continue such treatment, he must make application and be examined according to the procedure established for admission for care on a voluntary basis.

Amend RSA 135-B:18, as inserted by section 1 of the bill, by adding in the fourth line the following, "and also report of the attending physician," so that said section shall read as follows:

135-B:18 Discharge by administrator. Discharge of any person admitted for care on a voluntary basis may be ordered at any time by the administrator of the community or specialized facility where the patient was receiving treatment, if in the discretion of the administrator and upon report of the attending physician the patient was no longer benefiting from treatment. The reasons for discharge and the precise time of discharge shall be entered into the patient's clinical history.

Amend RSA 135-B:20, as inserted by section 1 of the bill, by striking out said section and inserting in place thereof the following:

135-B:20 Examination by Physician. The detention of any individual for emergency diagnosis can be ordered upon the certificate of a physician who has examined the person sought to be detained for diagnosis within five days of the request for detention, and finds that the person meets the criterion of RSA 135-B:19. Such certificate shall state in detail the specific acts or actions of the person sought to be detained which the physician has personally observed and in his opinion satisfy the criteria set forth under RSA 135-B:19. If the person sought to be detained for emergency diagnosis refuses to consent to an examination, the physician may sign a complaint by which a law enforcement officer shall arrange for an examination of the person sought to be detained for emergency diagnosis; and such examination shall state the specific acts or actions which the physician has observed and considers as satisfying the criterion of RSA 135-B:19.



Amend RSA 135-B:23, as inserted by section 1 of the bill by striking out said section and inserting in place thereof the following:

135-B:23 Fifteen-Day Limitation; Petition for Hearing. No person shall be detained for emergency diagnostic detention pursuant to the provisions of RSA 135-B:19-25 for longer than a fifteen day period unless a petition requesting a judicial hearing on the issue of involuntary admission has been filed with the appropriate probate court within the fifteen-day emergency diagnostic detention period in accordance with the provisions of RSA 135-B:26-41. Any person detained hereunder shall in addition to the examination given by the certifying physician have a second examination at the specialized facility in accordance with regulations propounded by the division of mental health.

Amend RSA 135-B:24, as inserted by section 1 of the bill, by striking out all of same.

Amend RSA 135-B:25, as inserted by section 1 of the bill, by striking out the same and renumbering said section to "135-B:24" so that said section shall read as follows:

135-B:24 Notification of Rights. When a person arrives at a facility for emergency diagnostic detention, he must be informed immediately in simple language of his right to apply for admission for care on a voluntary basis in accordance with RSA 135-B:9-18 and he must be informed that emergency diagnostic detention cannot exceed a period of fifteen days, unless a petition for a hearing on the issue of involuntary admission has been initiated.

Amend RSA 135-B:26, as inserted by section 1 of the bill, by renumbering said section as 135-B:25 and inserting in line five the following: "upon report of the attending physician," so that said section shall read as follows:

135-B:25 Discharge by Administrator. At any time during the period of emergency diagnostic detention, the administrator of the mental health facility in which the person has been detained shall discharge the person after consultation, if such is possible, with the physician who signed the order for emergency diagnostic detention, if the administrator upon report of the attending physician decides both that the person so detained

does not need treatment and that the person does not meet the criterion established by RSA 135-B:19.

Amend RSA 135-B:27, as inserted by section 1 of the bill, by renumbering the same to 135-B:26.

Amend RSA 135-B:28, as inserted by section 1 of the bill, by renumbering the same to 135-B:27 and by striking from the last line thereof the number (29) and inserting in place thereof the number "28" so that said section shall read as follows:

135-B:27 Petition by Responsible Person. Any responsible person may petition for a hearing on the issue of the need for admission for in-patient treatment on an involuntary basis of another individual due to mental illness, as provided in RSA 135-B:28.

Amend RSA 135-B:29, as inserted by section 1 of the bill, by renumbering the same to 135-B:28 and by striking from lines six, eight and twelve the number (27) and inserting in place thereof the number "26" and by striking the number (26) in line seventeen of same and inserting in place thereof the number "25" so that said section shall read as follows:

135-B:28 Involuntary Admission; Petition. The petition for the admission for in-patient treatment on an involuntary basis of a person shall include: the name of the person sought to be admitted and his last known address; his representative and his last known address, if any; the specific acts or actions of the person sought to be admitted that the petitioner alleges will satisfy the criterion of RSA 135-B:26; and the names and addresses of witnesses who can testify to the occurrence of the specific acts or actions of the person sought to be admitted, which petitioner feels will satisfy the criterion of RSA 135-B:26. The petition shall also include a certificate from a physician who has examined the person sought to be admitted, within five days of the date the petition is filed, who agrees that, based on this examination of the person sought to be admitted, such person satisfies the criterion of RSA 135-B:26. The certificate of the examining physician made upon admission, if the person sought to be admitted is currently under voluntary care of the division in accordance with RSA 135-B:9-18, or certificate of the examining physician made prior to the admission of the person sought to be admitted to emergency diagnostic detention in accordance with RSA 135-B:19-25, shall be sufficient as the physician's cer-

tificate for the petition for involuntary admission, if made within five days of the date of the filing of the petition.

Amend RSA 135-B:30 and 135-B:31, as inserted by section 1 of the bill, by renumbering the same to read consecutively 135-B:29 and 135-B:30.

Amend RSA 135-B:32, as inserted by section 1 of the bill by renumbering the same to 135-B:31 and by striking from line four of the same the number (26) and inserting in place thereof the number "25" so that said section shall read as follows:

135-B:31 Custody Prior to Hearing. The person sought to be admitted for in-patient treatment on an involuntary basis will be at liberty pending the hearing unless he is under the petition for involuntary admission, the court shall promptly protective custody of the division due to his being detained for emergency diagnosis in accordance with RSA 135-B:19-25; or unless the patient has been admitted for voluntary care and wishes to remain so; or unless the person is already in the custody of the division due to his admission for in-patient treatment on an involuntary basis.

Amend RSA 135-B:33, as inserted by section 1 of the bill, by renumbering the same to 135-B:32 and by striking the number (27) in line nine and inserting in place thereof the number "26" so that said section shall read as follows:

135-B:32 Examination by Psychiatrist. Upon receipt of the order the person sought to be admitted to make himself available for an examination by a psychiatrist designated by the court prior to the date the hearing is scheduled to commence. A written report shall be filed with the court on or before the day of the hearing, prepared by a psychiatrist after examining the person sought to be admitted. It shall specify whether, in the opinion of the examining psychiatrist or psychiatrists, the person sought to be admitted meets the criterion of RSA 135-B:26; it shall specify whether, in the opinion of the examining psychiatrist, involuntary admission is necessary for treatment of the person sought to be admitted; it shall specify what form of treatment is best suited to the needs of the person sought to be admitted, if, in the opinion of the examining psychiatrist, involuntary admission is not so suited; and it shall specify an individualized treatment program for the person sought to be

admitted, if, in the opinion of the examining psychiatrist, one is necessary.

Amend RSA 135-B:34, as inserted by section 1 of the bill, by renumbering the same to RSA 135-B:33 and striking from line three thereof the number (33) and inserting in place thereof the number "32" so that said section shall read as follows:

135-B:33 Recommendations; Copy to Person. No later than the day the hearing on the issue of involuntary admission is scheduled to commence, two copies of the psychiatric recommendation prepared pursuant to RSA 135-B:32 are to be made available to the person sought to be admitted, his representative and his attorney.

Amend RSA 135-B:35, as inserted by section 1 of the bill, by renumbering the same to 135-B:34.

Amend RSA 135-B:36, as inserted by section 1 of the bill, by renumbering the same to 135-B:35 and by striking in line seven the number (33) and inserting in place thereof the number "32" so that said section shall read as follows:

135-B:35 Conduct of Hearing. For hearings held pursuant to this chapter, the person sought to be admitted shall have the right to legal counsel, and also the right to present evidence on his own behalf, the right to have a closed hearing unless the person sought to be admitted requests otherwise, and the right to cross-examine witnesses. The person sought to be admitted shall have the right to summon as a witness the psychiatrist who filed the psychiatric evaluation pursuant to RSA 135-B:32 and cross-examine him as to his findings. A transcript which may consist only of an audio recording of the proceedings, at the court's discretion, shall be made of the entire proceeding to serve as the basis for an appeal, and the costs of such a transcript shall be apportioned between the state and the person sought to be admitted as the judge sees fit. Such transcript or recording shall be retained by the court for a one-year period or until official notice is received of discharge if the person is admitted on an involuntary basis and subsequently discharged.

Amend RSA 135-B:37, as inserted by section 1 of the bill by renumbering the same to 135-B:36.

Amend RSA 135-B:38, as inserted by section 1 of the bill, by renumbering the same to 135-B:37 and by striking in line



five the word (unconditionally) and by striking in line eight the number (33) and inserting in place thereof the number "32" so that said section shall read as follows:

135-B:37 Order of Court. In hearings held pursuant to this chapter, after hearing all the evidence, the court may order the respondent to be released notwithstanding expert testimony, or it may order the person to submit to some form of treatment other than in-patient treatment on an involuntary basis. If the examining psychiatrist recommends involuntary admission as the most desirable form of treatment, the court may so order. If the court decides that involuntary admission is necessary, but the examining psychiatrist finds otherwise in his report submitted pursuant to RSA 135-B:32, the court may overrule the recommendation of the psychiatrist as to the form of treatment only after the court finds that treatment other than involuntary admission would not be in the best interests of the patient and the community.

Amend RSA 135-B:39, as inserted by section 1 of the bill, by striking all of the same and inserting in place thereof the following newly numbered section:

135-B:38 Limitation of Order. No order made pursuant to RSA 135-B:37 for involuntary admission or any other type of treatment shall be valid for longer than two years. For the order to be renewed, another judicial hearing must be held pursuant to RSA 135-B:26-41. The probate court may appoint with the assistance of the commissioner of health and welfare a panel made up of not less than one psychiatrist, one physician or psychologist and one attorney to perform the function of periodic review provided in this section. Any person aggrieved by the decision of the panel shall have the right to a hearing de novo before the probate court.

Amend RSA 135-B:40, as inserted by section 1 of the bill by renumbering the same to RSA 135-B:39 and by striking in line two thereof the number (42) and inserting in place thereof the number "41" so that said section shall read as follows:

135-B:39 Discharge by Administrator.

I. When any person has been involuntarily admitted pursuant to RSA 135-B:26-41, the administrator of the facility may at any time grant an absolute discharge to such a person with the consent of a psychiatrist of the division who has examined



the person sought to be discharged within three days of the absolute discharge order, provided that the patient is no longer in need of care under such rules and regulations as may be promulgated by the director. The administrator shall, in writing, forthwith notify the court entering the original order of commitment that such a person has been given an absolute discharge from the facility. Upon receipt of such notice, the court shall make such notice part of the person's file and shall enter the fact of discharge and the date upon the docket.

II. Any facility may conditionally discharge from hospitalization for any period of time a patient whose condition is not considered appropriate for absolute discharge under such rules and regulations as may be promulgated by the director. If any person has been conditionally discharged for more than one year, without needing further hospitalization during that period, he shall be deemed to have been given an absolute discharge.

Amend RSA 135-B:41, as inserted by section 1 of the bill, by striking all of the same and inserting in place thereof the following newly numbered section.

135-B:40 Action for Release. Any person who has been involuntarily admitted pursuant to RSA 135-B:26-41 may file at the probate court of the county in which he was originally admitted, or where he resides, a petition setting forth his name, the underlying circumstances and date of the prior order of the court ordering his involuntary admission, a request for discharge from care and custody or hospitalization, and the reasons for such request. Such petition must be accompanied by the certificate of a physician stating that the patient is no longer in need of involuntary admission and setting forth the facts upon which such an opinion is based. Upon receipt of the petition, the court will conduct a hearing pursuant to RSA 135-B:26-41.

Amend RSA 135-B:42, as inserted by section 1 of the bill, by renumbering the same to RSA 135-B:41.

Amend RSA 135-B:43, as inserted by section 1 of the bill by renumbering the same to 135-B:42 and by striking in line six the word (constitutional) and inserting in place thereof the word "legal" so that said section shall read as follows:

135-B:42 Rights of Patients. The patient's right to individual dignity shall be respected at all times and upon all occasions including any occasion when the patient is taken into custody, treated, detained or transported pursuant to this chapter or any other chapter relating to mental health. No person who is receiving treatment for mental illness shall be deprived of any legal rights; provided, however, that if such a person has been adjudicated as incompetent, his rights may be limited to the same extent as the rights of any incompetent person are limited at general law.

Amend RSA 135-B:44, 135-B:45, and 135-B:46, as inserted by section 1 of the bill, by renumbering the same consecutively to 135-B:43, 135-B:44, and 135-B:45.

Amend RSA 135-B:47, as inserted by section 1 of the bill, by renumbering the same to 135-B:46 and by striking in line two the number (46) and inserting in place thereof the number "45" so that said section shall read as follows:

135-B:46 Posting of Rights. Notice of the rights of mentally ill patients, as provided in RSA 135-B:43-45 shall be conspicuously posted in every treatment facility of the division for inspection by patients at such facilities.

Amend RSA 135-B:48, as inserted by section 1 of the bill, by striking all of the same.

Amend RSA 135-B:49 and 135-B:50, as inserted by section 1 of the bill by renumbering the same to read consecutively 135-B:47 and 135-B:48.

Amend section 8 of the bill by striking in lines one and two thereof the word (thirty) and inserting in place thereof the word "fifty" so that said section shall read as follows:

8 Appropriation. The sum of fifty thousand dollars is appropriated for the fiscal year ending June 30, 1974 and the sum of fifty thousand dollars is appropriated for the fiscal year ending June 30, 1975 to the department of health and welfare, division of mental health to provide for the probate court hearings as provided in RSA 135-B, as inserted by section 1 of this act, and as provided in section 7 of this act. The per diem compensation of probate court judges and attorneys not from New Hampshire Legal Assistance who represent indigent patients or indigent persons sought to be admitted, the costs to the state and

to indigent persons of transcripts or recordings of hearings, the costs of witness fees for indigent patients or indigent persons sought to be admitted, the costs of an examination of indigent persons by a psychiatrist prior to a hearing for involuntary admission, plus other expenses incidental to such hearings shall be a charge upon the funds hereby appropriated. The governor is authorized to draw his warrant for the sums hereby appropriated out of any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

The Speaker called for the Special Order on:

**HB 696**

relating to rate changes by hospital service corporations. Majority: Ought to pass with amendment; Rep. Bigelow for Banks and Insurance. Minority: Inexpedient to legislate. (Reps. Nims and Wayne E. Helie)

Majority: Permits hospital service corporation to put rate change into temporary effect if not approved sixty days after request is heard by insurance commissioner. Subscribers are completely protected.

Minority: Rate increase without public hearing.

Rep. Nims moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Reps. Burns and Paul McEachern spoke against the motion.

(discussion)

Reps. Dwyer, Joseph L. Cote, Bednar, Albert C. Jones, and George B. Roberts, Jr. spoke in favor of the motion.

Reps. Gelinas, Daniell, Nelson and Burrows nonspoke in favor of the motion.

Reps. Boisvert and Dupont moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted.

Rep. Coutermarsh wished to be recorded in favor of the minority report.

Rep. Tony Smith abstained from voting on HB 696 under Rule 16.

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The Speaker announced that Reps. Migneault, John H. Perkins Jr. and George T. Healy are celebrating birthdays today.

### RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading be read a third time by this resolution and that all titles of bills and captions of resolutions be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet Tuesday next at 11:00 a.m.

Adopted.

### LATE SESSION

#### Third readings and final passage

HB 422, increasing the personal exemption under the interest and dividends tax.

HB 256, relative to outdoor advertising on the interstate, federal-aid systems and turnpikes.

HB 266, relative to salary increases upon certification and eligibility for certification of certain medical personnel.

SJR 5, providing a supplemental appropriation for the cancer commission.

HB 639, relative to permitting the Lord's Prayer and the pledge of allegiance in public schools at local option.

HB 832, increasing the debt limit for the Merrimack school district.

SB 106, relative to the use of voting machines.

HB 847, permitting the employment of inmates of houses of correction at municipally owned recreational facilities and conservation projects.

HB 785, to require school districts not maintaining high schools to pay full tuition of its students who attend high schools in other districts.

HB 823, relative to transportation of pupils to schools.

HB 615, providing for closure in part of Back Channel in New Castle and Portsmouth to all hunting.

### VACATE

Rep. Hanson moved that the House vacate the reference of HB 942, relative to reassessment of taxable property, to the committee on Ways and Means and re-refer said bill to the committee on Municipal and County Government.

Adopted.

### SUSPENSION OF RULES

Rep. Frizzell moved that the rules of the House be so far suspended as to permit hearings to be held Monday next on HB's 971, 975, 980, 981, 982, 984, 986, 987 and HJR 49.

Adopted by the necessary two-thirds.

### RECONSIDERATIONS

Rep. Read moved Reconsideration on HB 422, increasing the personal exemption under the interest and dividends tax.

Reconsideration lost.

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Rep. T. Anne Webster moved Reconsideration on HB 639, relative to permitting the Lord's Prayer and the pledge of Allegiance in public schools at local option.

Reconsideration lost.

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Rep. James A. Humphrey moved Reconsideration on:

HB 379, related to limited hardship licenses to operate a motor vehicle.

Reconsideration lost.



Rep. George B. Roberts, Jr. moved Reconsideration on HB 696, relating to rate changes by hospital service corporations.

Reconsideration lost.

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Consent Calendar Day Wednesday morning, May 23; regular Calendar Wednesday afternoon.

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On motion of Rep. Brungot, Dean of Women Legislators, the House adjourned at 5:30 p.m. in honor of May 17 being the day Norway declared its independence from Sweden.

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## *Tuesday, 22May73*

The House met at 11:00 o'clock.

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Rep. Daniell requested a quorum count and subsequently withdrew his request.

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Prayer was offered by Assistant Chaplain Father Francis J. O'Connor.

Father, we are Your people and we gather here with pride and call You Father. We set before You all of our needs and the needs of our troubled world, those which we voice, and those too deep to be set in words. Hear us, Father, as You have ever done before. Show us once more that You are our God by making Yourself known to us, and by blessing us. Amen.

### PLEDGE OF ALLEGIANCE

Rep. Colburn led the Pledge of Allegiance.

### LEAVES OF ABSENCE

Rep. Tripp, the day, illness.

Reps. Harriett W. B. Richardson, Cary, Randall, and Palfrey, the week, illness.

Rep. McDonough, the day, important business.

Rep. Lefebvre, two weeks, important business.

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Rep. Drew offered the following:

### RESOLUTION

*Resolved*, that in accordance with the list in the possession of the clerk, House Bills numbered 992 through 1050 shall be by this resolution read a first and second time by the therein listed titles, laid on the table for printing and referred to the therein designated committees.

Adopted.

### INTRODUCTION OF HOUSE BILLS

#### First, second reading and referral

HB 992, changing the school building aid formula and making an appropriation therefor. (Hood of Belknap Dist. 5; Gelinas of Hillsborough Dist. 31 — To Education).

HB 993, relative to temporary, seasonal and part-time state employees. (Gordon of Merrimack Dist. 7 — To Executive Departments and Administration).

HB 994, providing for continued expenditures at current levels in the event a subsequent budget is not enacted. (Lawton of Belknap Dist. 1; Stevenson of Grafton Dist. 3 — To Appropriations).

HB 995, relative to representation by consumer interests on professional registration and licensing boards and any boards having a substantial impact on trade or business and life in New Hampshire. (Cote of Hillsborough Dist. 28 — To Statutory Revision).

HB 996, prohibiting the Belknap county recreational area commission from issuing free ski passes to any elected official. (Twigg of Belknap Dist. 4 — To Special Committee: Belknap County Delegation).

HB 997, to increase the percent by weight of alcohol in the blood in order to find a person accused of driving while intoxi-

cated, prima facie guilty. (Sweeney of Hillsborough Dist. 34 — To Transportation) .

HB 998, relative to the issuance of building permits and the approval of subdivision plans. (Ellis of Rockingham Dist. 16 — To Municipal and County Government).

HB 999, to prohibit hunting on Sundays during the regular open hunting season. (Parr of Rockingham Dist. 12; Milbank of Cheshire Dist. 10 — To Fish and Game) .

HB 1000, relative to amending the Laconia city charter to alter the composition of the Laconia board of education. (Mauguire of Belknap Dist. 9; Murray of Belknap Dist. 9; Hood of Belknap Dist. 5 — To Special Committee: Laconia Delegation) .

HB 1001, relative to the release of prisoners for purpose of gainful employment or rehabilitation. (Bednar of Hillsborough Dist. 14 — To State Institutions) .

HB 1002, relative to changing the municipal budget law. (Belair of Rockingham Dist. 5 — To Municipal and County Government).

HB 1003, to change the method of selection of the student member of the board of trustees. (Duprey of Carroll Dist. 2 — To Education).

HB 1004, increasing the limit on the amount of bonds which may be guaranteed by the state for water supply and pollution control projects. (Kopperl of Merrimack Dist. 9 — To Resources, Recreation and Development).

HB 1005, providing for class actions under the consumer protection act. (McManus of Strafford Dist. 17 — To Judiciary).

HB 1006, providing beneficiary benefits to survivors of firefighters and policemen killed in line of duty. (Hildreth of Belknap Dist. 7 — To Executive Departments and Administration).

HB 1007, prohibiting building inspectors from issuing permits for construction which violates zoning ordinances or building codes. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government).

HB 1008, relative to the charter of the city of Dover. (Don-

nelly of Strafford Dist. 14 — To Special Committee: Dover Delegation).

HB 1009, authorizing the use of Reed Act funds. (Merrill of Grafton Dist. 14 — To Appropriations).

HB 1010, amending article 9 and related provisions of the Uniform Commercial Code. (Buckley of Sullivan Dist. 4; Close of Cheshire Dist. 15; Currier of Hillsborough Dist. 15; Healy of Hillsborough Dist. 29; McManus of Strafford Dist. 17 — To Judiciary).

HB 1011, relating to deprived and delinquent children and persons in need of supervision. (Jones of Merrimack Dist. 17 — To Judiciary).

HB 1012, to establish a state liquor store in the town of Newmarket and to make an appropriation therefor. (Rules Committee for Rep. Twardus of Rockingham Dist. 14 — To Liquor Laws).

HB 1013, relative to permanent employees of the district court. (Rep. Ethier of Hillsborough Dist. 16 — To Judiciary).

HB 1014, requiring governor and council approval for certain actions taken by the state board of parole in releasing inmates from the state prison. (Gorman of Rockingham Dist. 4 — To Executive Departments and Administration).

HB 1015, transferring and repealing existing criminal statutes as proposed by the recodification committee, and making technical amendments to statutes so that they conform to the criminal code. (Zachos of Hillsborough Dist. 25 — To Judiciary).

HB 1016, which is an omnibus legalizing act legalizing certain town meetings of the towns of Andover, Conway, Hill, Lyndeborough, North Hampton, Pembroke, Sutton, and New Durham and of the school districts of Marlow and Pembroke. (Hanson of Merrimack Dist. 5 — To Municipal and County Government).

HB 1017, relative to hunting in special designated areas by certain disabled persons. (Boucher of Rockingham Dist. 3 — To Fish and Game).

HB 1018, abolishing certain classified and unclassified po-

sitions at the New Hampshire hospital, eliminating free maintenance for all authorized positions at the New Hampshire hospital and establishing new unclassified positions and salary ranges. (Rules Committee for: Rep. Noble of Merrimack Dist. 21; McLane of Merrimack Dist. 16 — To Executive Departments and Administration).

HB 1019, to amend the definitions used in the controlled drug act, and to establish standards and schedules of drug classification. (Knight of Hillsborough Dist. 8 — To Public Health and Welfare).

HB 1020, to enable the director of the division of public health to have the option of designating an alternate to represent him on certain boards and commissions. (Underwood of Merrimack Dist. 18 — To Public Health and Welfare).

HB 1021, relative to establishing a noise abatement program. (Hoar of Rockingham Dist. 8; Howard of Merrimack Dist. 20 — To Public Health and Welfare).

HB 1022, relative to the pretermination procedures of public utilities. (Smith of Hillsborough Dist. 27 — To Statutory Revision).

HB 1023, providing that failure to comply with requirements for notice of, and holding of, a public hearing of the county budget shall constitute prima facie evidence of wilful neglect of duty. (Bednar of Hillsborough Dist. 14 — To Municipal and County Government).

HB 1024, prohibiting a disclaimer of warranties relative to the purchase of a consumer commodity. (Knight of Hillsborough Dist. 8 — To Statutory Revision).

HB 1025, relative to licensing nonresidents dragging in salt water and raising fish and game license fees. (Rules Committee for: Rep. Maynard of Rockingham Dist. 18 — Joint Committee on Fish and Game and Appropriations).

HB 1026, relative to revisions of the election laws. (Roberts of Belknap Dist. 4; Chase of Carroll Dist. 4 — To Statutory Revision).

HB 1027, amending in general the workmen's compensation laws. (Rules Committee for: Coutermarsh of Hillsborough Dist. 24; Merrill of Grafton Dist. 14 — To Labor, Human Resources and Rehabilitation).



HB 1028, establishing the New Hampshire Transportation Authority; and making an appropriation therefor. (Coutermarsh of Hillsborough Dist. 24; Daniell of Merrimack Dist. 13; Chambers of Grafton Dist. 13; Roberts of Belknap Dist. 4; Parker of Hillsborough Dist. 17; O'Connor of Strafford Dist. 15; Allen of Carroll Dist. 5; Stevens of Cheshire Dist. 1; McEachern of Rockingham Dist. 23; Haller of Merrimack Dist. 14 — To Transportation).

HB 1029, establishing an interim committee to investigate conservation lands and local park and shade tree programs. (Bradley of Grafton Dist. 5 — To Resources, Recreation and Development.)

HB 1030, requiring persons to report to town or city officials when they reach eighteen years of age or when they move into a town or city. (Chandler of Merrimack Dist. 3; Bigelow of Merrimack Dist. 3 — To Municipal and County Government.)

HB 1031, providing an interim transitional zoning procedure. (Estabrook of Rockingham Dist. 10; Boyd of Hillsborough Dist. 12 — To Environment and Agriculture.)

HB 1032, relative to adopting the federal numbering system for power boats. (Rules Committee for: Rep. Claflin of Carroll Dist. 4 — To Resources, Recreation and Development.)

HB 1033, prohibiting amendments to the zoning laws where adequate notice thereof has not been given. (Sayer of Rockingham Dist. 5 — To Municipal and County Government.)

HB 1034, relative to issuing hairdresser licenses biennially, renewable on even years only. (Ferguson of Hillsborough Dist. 11 — To Public Health and Welfare.)

HB 1035, relative to corporations with only two shareholders. (Rules Committee for: Rep. Roberts of Belknap Dist. 4 — To Statutory Revision.)

HB 1036, providing for all federal enclaves in the state to be single districts for school purposes. (Rules Committee for: Rep. Keefe of Rockingham Dist. 23 — To Committee on Education.)

HB 1037, to provide for the repeal of the law tending to

prohibit hitchhiking. (Parker of Hillsborough Dist. 17 — To Transportation.)

HB 1038, providing for the inspection, licensing and regulation of carnival and amusement rides and creating a carnival-amusement safety board. (Splaine of Rockingham Dist. 19; Cobleigh of Hillsborough Dist. 17 — To Statutory Revision.)

HB 1039, providing that motor vehicle inspections shall be required annually. (Rules Committee for: Rep. Desmarais of Hillsborough Dist. 20 — To Transportation.)

HB 1040, classifying horse racing and dog racing as an industry for purposes of zoning. (Bourassa of Hillsborough Dist. 26 — To Municipal and County Government.)

HB 1041, providing that the budget for Hillsborough county shall be prepared by the county treasurer. (Bourassa of Hillsborough Dist. 26 — To Special Committee on Hillsborough County Delegation.)

HB 1042, relative to the establishment of sick leave benefits for Hillsborough county employees. (Bourassa of Hillsborough Dist. 26 — To Special Committee of Hillsborough County Delegation.)

HB 1043, adding two members representing the public interest to the advisory council on unemployment compensation and removing the requirement that the commissioner recommend members. (Lint of Hillsborough Dist. 13; Ethier of Hillsborough Dist. 16 — To Labor, Human Resources and Rehabilitation.)

HB 1044, relative to the purchase of handicapped-made products and services by the state. (Conley of Carroll Dist. 3 — To Executive Departments and Administration.)

HB 1045, permitting the city of Dover to draw water from the Isinglass River in the city of Rochester. (McManus of Strafford Dist. 17 — To Special Committee on Dover Delegation.)

HB 1046, establishing the position of deputy treasurer in Hillsborough county. (Bourassa of Hillsborough Dist. 26 — To Special Committee on Hillsborough County Delegation.)

HB 1047, continuing the office space study committee. (Roberts of Belknap Dist. 4; Davis of Carroll Dist. 2; Cate of Merrimack Dist. 14 — To Legislative Administration.)

HB 1048, authorizing the county convention to establish the salary of the Merrimack county sheriff and deputy sheriffs. (Humphrey of Merrimack Dist. 11 — To Special Committee: Merrimack County Delegation.)

HB 1049, creating a Mount Washington authority and making an appropriation therefor. (Rules Committee for: Rep. Curran of Grafton Dist. 1 — To Appropriations.)

HB 1050, repealing the authorization to construct a toll road from Manchester to Hampton. (Scamman of Rockingham Dist. 15 — To Public Works.)

## SENATE MESSAGES

### CONCURRENCE

HB 498, relative to the area school contract between the Rochester school district and the Strafford school district.

HB 255, permitting the employment in a school district of a learning disability teacher.

HB 224, to reclassify a certain section of highway in the town of Orange.

HB 628, relative to the use of illegal inspection stickers.

HB 786, relative to the name of certain buildings in Coos County.

HJR 11, appropriating funds to the NH American Revolution Bicentennial Commission.

HB 699, relating to investments of hospital service corporations.

HB 704, relative to the manner of election of delegates to the constitutional convention.

HB 761, relative to election procedures of the Contoocook Valley School District.

HB 576, relative to guardianship statutes.

HB 352, relative to statewide school food and nutrition programs.

HB 583, to authorize the pesticides surveillance scientist to perform in the same capacity as the chief aquatic biologist

in relation to the pesticides control board in the absence of the executive director.

HB 393, providing for rules of professional conduct in the practice of land surveying.

HB 13, prohibiting motor boats powered by fuel on Brindle Pond.

HB 667, to prohibit the hunting of wild birds on Back Lake in the town of Pittsburg.

HB 398, prohibiting the use of certain types of traps.

HB 308, relative to the income and operating charges of state buildings at Eastern States Exposition.

#### CONCURRENCE SB WITH HOUSE AMENDMENT

SB 93, prohibiting any person from riding in any type of trailer while being moved upon a highway.

#### NONCONCURRENCE

HB 265, relative to the commitment of children to the industrial school for an offense.

HB 684, relative to exceeding appropriations under the municipal budget law.

#### INTRODUCTION OF SB's AND SJR

First, second reading and referral

SB 158, relative to the time of taking office of the school board of the Mascoma Valley Regional school district. Education.

SB 88, relative to professional mental health evaluations of minors. Public Health and Welfare.

SB 104, providing for the acquisition of Gile Forest and making an appropriation therefor. Appropriations.

SB 14, establishing standards of legislative ethics. Legislative Administration.

SB 85, relative to maintenance of bridges on class II highways. Public Works.

SB 1, establishing an environmental protection department, providing for planning of the consolidation of the functions of existing agencies under it and making an appropriation therefor. Joint Committee on Environment and Agriculture and Resources, Recreation and Development.

SB 161, designating a certain portion of route 13 in New Boston as Davis Scenic Drive. Public Works.

SB 180, requiring the bonding of new and used car dealers. Transportation.

SB 222, providing a moratorium to June 30, 1975 on the issuance of new dog racing licenses. Ways and Means.

SB 182, providing for seven appointed members to the Manchester Airport Authority. Transportation.

SJR 20, providing for an additional appropriation for expenses of the legislature. Appropriation.

#### ENROLLED BILLS REPORT

HB 393, providing for rules of professional conduct in the practice of land surveying.

SB 140, amending the charter of the city of Concord relative to city council vacancies and absentee voting.

HB 232, relative to the process of reregistration of eligible voters.

HB 260, limiting to two sets the number of legislative registration plates.

SB 49, relative to prohibited conduct of real estate brokers and salesmen and licenses of real estate brokers and salesmen.

SJR 5, providing for a supplemental appropriation for the cancer commission.

Maurice W. Read

*For The Committee*



## COMMITTEE REPORTS

**HB 845**

relative to bank holding companies. Inexpedient to legislate. Rep. Milne for Banks and Insurance.

Bill withdrawn at request of sponsor.

Resolution adopted.

**HB 827**

relative to sharing profits of sweepstakes money with pupils attending schools. Refer to Education Standing Committee for interim study. Rep. Albert C. Jones for Education.

Because of the seriousness of the proposed voucher system now under discussion in the state and because this bill deals with a form of a voucher system the committee on Education unanimously agreed and voted to send this bill to an interim study committee of the entire committee on Education.

Referred to Education Standing Committee for interim study.

**HB 846**

relative to the time of school district meetings in cooperative districts. Ought to pass. Rep. William P. Boucher for Education.

This bill establishes equal time frames for operation of school districts — Co-ops and Regional Districts.

Ordered to third reading.

**HB 597**

prohibiting any community from banning the sale of phosphate detergents. Refer to House Resources, Recreation and Development Standing Committee for interim study. Rep. Colburn for Environment and Agriculture.

The bill would prohibit any community from banning the sale of phosphate detergents. The committee considers this arbitrary invasion of the home rule authority of towns. However, the whole question of the use of phosphate detergents should be reexamined, with consideration given to the Florida limitation to 8.7 phosphate by weight.

Referred to House Resources, Recreation and Development Standing Committee for interim study.

**HB 739**

relative to the selection of engineers and architects. Ought to pass with amendment. Rep. Withington for Executive Departments and Administration.

This bill is modeled on the federal law and will set up standards for selection of engineers and architects without requiring bidding.

**AMENDMENT**

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Contracts for Engineering and Architectural Services. Amend RSA 8 by inserting after section 32 the following new sections:

8:32-a Selection of Engineers and Architects.

I. The general court of New Hampshire hereby declares that it shall be the policy of the state and its agencies to negotiate contracts for engineering and architectural services on the basis of demonstrated competence and qualifications for the type of professional services required and at fair and reasonable prices and to encourage members of these professions engaged in the lawful practice of their profession to submit to agency heads, annually, a statement of qualifications and performance data.

II. The agency head, for each proposed project, shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with no less than three firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, in order of preference, based upon criteria established and published by him, no less than three of the firms deemed to be the most highly qualified to provide the services required.

III. The agency head shall negotiate a contract with the highest qualified firm for architectural and engineering services

at compensation which the agency head determines is fair and reasonable to the state. In making such determination, the agency head shall take into account the estimated value of the services to be rendered, the scope, complexity, and professional nature thereof.

IV. Should the agency head be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price he determines to be fair and reasonable to the state, negotiations with that firm should be formally terminated. The agency head should then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, the agency head should terminate negotiations. The agency head should then undertake negotiations with the third most qualified firm.

V. Should the agency head be unable to negotiate a satisfactory contract with any of the selected firms, he shall select additional firms in order of their competence and qualification and continue negotiations in accordance with this section until an agreement is reached.

8:32-b Definitions. As used in RSA 8:32-a:

I. The term "engineering and architectural services" includes those professional services of an engineering or architectural nature as well as incidental services that members of these professions and those in their employ may logically and justifiably perform.

II. The term "members of these professions" means any individual, firm, partnership, corporation, association or other legal entity permitted by law to practice in this state the professions of engineering or architecture.

2 Effective Date. This act shall take effect sixty days after its passage.

Amendment adopted.

Ordered to third reading.

## HB 857

permitting public employees to enter into a deferred compensation plan and authorizing the purchase of insurance and annuity contracts. Ought to pass. Rep. Withington for Executive Departments and Administration.

Necessary legislation to comply with federal laws and allow state and municipal employees to join in a deferred compensation plan. Ten states have adopted similar legislation and seventeen more are considering it.

Ordered to third reading.

**SB 67**

changing the compensation of certain state law enforcement employees. Ought to pass. Rep. Roderick H. O'Connor for Executive Departments and Administration.

Although the committee feels that overtime should be paid for actual hours worked, this bill corrects certain inequities in the law. A much better approach the committee believes is HB 923, the A. D. Little bill, which would grant overtime for actual hours worked. However, the overtime in HB 923, if passed, would not become effective until July 1, 1974.

Referred to Appropriations.

**HB 787**

exempting single or double septic tank units from the requirement of approval by water supply and pollution control commission, under certain conditions. Inexpedient to legislate. Rep. Claflin for Resources, Recreation and Development.

No uniformity of qualifications of building inspectors or health officers assured and no provisions for adequate records.

Resolution adopted.

**HB 793**

providing for the state treasurer to establish a special fund for reimbursements received for prefinanced water pollution control projects. Ought to pass. Rep. Claflin for Resources, Recreation and Development.

Provides for proper allocation of funds under the bill which is otherwise self-explanatory.

Referred to Appropriations.

**HB 744**

providing lower utility rates for senior citizens. Inexpedient to legislate. Rep. Russell C. Chase for Statutory Revision.

Any reduction in rates to the elderly would have to be made up by greater charges to those younger. Further, it raises the question of which utilities are involved.

Resolution adopted.

**HB 767**

providing for the merger of unincorporated religious societies. Ought to pass. Rep. Russell C. Chase for Statutory Revision.

Clears up the statutes to authorize mergers.

Ordered to third reading.

**HB 773**

relative to unsolicited merchandise and unfair trade practices. Ought to pass with amendment. Rep. Cate for Statutory Revision.

The bill, as amended, takes the responsibility of unsolicited merchandise away from the receiver and fraudulent "going out of business" sales prohibited.

**AMENDMENT**

Amend RSA 358-A:3, IV-a, as inserted by section 3 of the bill, by striking out same and inserting in place thereof the following:

IV-a. Transactions entered into more than two years prior to the complaint, provided however, that this section shall not ban the introduction of evidence of unfair trade practices and deceptive acts prior to the two year period in any action under this chapter.

Amendment adopted.

Ordered to third reading.

**HB 294**

to require seat belts on amusement rides at carnivals, fairs and parks such as ferris wheels, rides called the whip or hammer and other similar or like rides. Inexpedient to legislate. Rep. Hamel for Transportation.

This bill does not solve the complicated problem it in-



volves. A more comprehensive solution should be offered at the next session.

Resolution adopted.

#### **SB 66**

to provide for continued monitoring of Old Man of the Mountains rock formation, and making an appropriation therefor. Inexpedient to legislate. Rep. Colburn for Environment and Agriculture.

Periodic care and maintenance by DRED is more important than constant monitoring and that the money involved could be more usefully applied to other environmental issues.

Rep. Green moved that SB 66 be recommitted to the Committee on Environment and Agriculture, and spoke in favor of the motion.

Adopted.

#### **HB 763**

relative to the authority of the director to close the season for hunting and taking deer. Ought to pass with amendment. Rep. Chamberlin for Fish and Game.

Requires the director of Fish and Game to obtain consent from the commission before closing any section of the state to hunting and taking deer.

#### **AMENDMENT**

Amend section 1 of said bill by striking out in lines five and ten the word "unanimous" so that said section as amended shall read as follows:

1 Approval of Fish and Game Commission. Amend RSA 208:4-a (supp), as inserted by 1963, 298:3, as amended, by striking out in lines one and two the word and figure "section 2" and inserting in place thereof the following (RSA 208:2) and by inserting in line four after the word "state" the following (and upon receiving the consent of the fish and game commission) so that said section as amended shall read as follows:

208:4-a Protection of Herd. Notwithstanding the provisions of RSA 208:2 or any other provision of the law, the director of

fish and game, whenever he shall deem such action necessary to protect and conserve the deer herd of the state and upon receiving the consent of the fish and game commission, shall have the authority to close any section of the state to hunting and taking deer. Any person hunting and taking deer from an area of the state closed to such hunting and taking hereunder shall be fined not more than three hundred dollars.

Amendment adopted.

Ordered to third reading.

#### **HB 745**

relative to the management-employees relations law. Refer to Labor, Human Resources and Rehabilitation Standing Committee for interim study. Rep. Stevenson for Labor, Human Resources and Rehabilitation.

Bill needs further study.

Referred to Labor, Human Resources and Rehabilitation Standing Committee for interim study.

#### **HB 558**

to foster the establishment of management-employee relations in state employment. Refer to Labor, Human Resources and Rehabilitation Standing Committee for interim study. Rep. Carswell for Labor, Human Resources and Rehabilitation.

Bill needs further study.

Referred to Labor, Human Resources and Rehabilitation Standing Committee for interim study.

### **RECESS**

### **AFTER RECESS**

(Deputy Speaker in the Chair)

### **ENROLLED BILLS AMENDMENT**

SB 106, relative to the use of voting machines.

### **AMENDMENT**

Amend the title of said bill by striking out the same and inserting in place thereof the following:

permitting use of paper ballots for certain elections in cities  
and towns which have adopted use of voting  
machines therein.

Amendment adopted.

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The two resolutions printed below will be acted upon to-morrow.

Rep. Twardus offered the following:

### HOUSE RESOLUTION 17

relative to the welfare system.

*Whereas*, in many situations misguided incentives have discouraged employable persons from work; and

*Whereas*, these same misguided incentives have induced fathers to leave home so that their families can qualify for welfare; and

*Whereas*, there are a significant number of cases where welfare recipients misuse the funds and other commodities made available to them; and

*Whereas*, the burden of supporting these frivolities and abuses is both directly and indirectly supported by the taxpayer of the state of New Hampshire; Now Therefore It Is Resolved, by the House of Representatives in General Court Convened:

That the state of New Hampshire support the ten commandments on welfare:

I. To provide shelter for those in dire need.

II. To provide lights, heat, and food for those in dire need.

III. To provide necessary clothing for those in dire need.

IV. To assist any citizen over hard times, when it falls upon him unexpectedly.

V. To provide for the physically handicapped who are unable to work or care for themselves.

VI. To provide a modest but comfortable standard of living for those who are on welfare, but void of any items generally considered to be of a luxury nature.

VII. Immediate removal, from the welfare rolls of anyone who does not inscrutably comply with the eligibility requirements.

VIII. Citizens who are aware of welfare abuses and other matters relative to its misuse, should inform the authorities and pursue the matter until a satisfactory investigation has been conducted.

IX. Local Officials of the towns, cities and counties of the state of New Hampshire should scrutinize their welfare rolls, and maintain constant vigilance that the recipients are in fact, eligible, for reasons over and above their personal control.

X. Every effort should be made to reduce the number of welfare recipients in the state of New Hampshire, in particular, and the nation in general.

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Reps. Conley and Richard L. Bradley offered the following:

#### HOUSE CONCURRENT RESOLUTION 20

relative to including Sandwich Notch  
in the White Mountain National Forest.

*Whereas*, Sandwich Notch is one of the most scenic places of natural beauty in New Hampshire; and

*Whereas*, Sandwich Notch is in danger of being acquired and irreparably damaged by commercial interests; and

*Whereas*, positive steps must now be taken for the preservation of Sandwich Notch for the enjoyment of future generations of our citizen; now therefore be it

*Resolved*, by the Senate and House of Representatives in General Court convened:

That the General Court of New Hampshire be recorded as approving the inclusion of the Sandwich Notch Tract in the White Mountain National Forest, that said Sandwich Notch be best preserved in its present unspoiled state; and be it further

*Resolved*, that the secretary of state be instructed to furnish a copy of this resolution to each member of the congressional delegation from New Hampshire, that they be apprised

of the concern of the General Court that one of New Hampshire's last scenic resources might be lost; and be it further

*Resolved*, that the New Hampshire congressional delegation be urged to secure the necessary federal approval and funding that Sandwich Notch shall be soon made a part of the White Mountain National Forest.

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Rep. Bednar requested a quorum count.

212 members having answered the call, a quorum was declared present.

### COMMITTEE REPORTS CONTINUED

#### HB 780

relative to approved subdivision plans. Ought to pass with amendment. Rep. Colburn for Environment and Agriculture.

Bill, as amended, gives every person who receives final approval of a subdivision from a planning board a vested right to be exempt from subsequent changes in subdivision regulations for a five year period; provided that *substantial* progress in accordance with the approved plat has been made within eighteen months of that final approval. It also brings previously approved plats under provisions of this act.

### AMENDMENT

Amend RSA 36:24-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

36:24-a Five Year Vested Right. Every plat receiving final approval by the planning board shall be exempted from all subsequent changes in subdivision regulations and zoning ordinances adopted by any city or town for a period of five years from the date of final approval, and the person receiving such plat approval shall be deemed to have a vested right to be exempt from such changes for said five year period, provided, however, that if such person does not make substantial progress in accordance with the approved plat within eighteen months of the date of final approval, he shall not be exempt from such changes and shall not have a vested right under this section.



All existing plats which have received final approval by the planning board, shall be subject to the provisions of this section.

Rep. Lint moved that the words, Refer to an interim standing committee of Municipal and County Government and report back by December 1, 1973, and spoke in favor of the motion.

Rep. Colburn explained the committee report.

Reps. Kenneth W. Spalding, Woodruff, Dwyer and Belair spoke against the motion.

Reps. Kopperl, Bednar and Sununu spoke in favor of the motion.

(discussion)

Reps. Milbank, Sherman, Estabrook, Cox, Claflin, Philip C. Heald, Dorthea M. O'Neil, William P. Boucher, Lyons and Currier nonspoke in favor of the motion.

Reps. Simmons and Altman nonspoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

On a vv the Speaker was in doubt and requested a division.

150 members having voted in the affirmative and 99 in the negative the motion prevailed, and HB 780 was Referred to an Interim study committee of Municipal and County Government to report back by December 1, 1973.

### **HB 863**

authorizing the Hooksett school district to establish its own supervisory union. Inexpedient to legislate. Rep. Hager for Education.

Withdrawal of Hooksett from their supervisory union via this bill was turned down by the committee. The state Department of Education has established guidelines for withdrawal that can be followed to accomplish withdrawal requested without the necessity of statute.

Rep. Rice moved that the words, ought to pass, be substi-

tuted for the committee report, inexpedient to legislate, and spoke in favor of the motion.

Reps. William P. Boucher and French spoke against the motion.

Rep. Enright spoke in favor of the motion.

(discussion)

Motion lost.

Resolution adopted.

### SUSPENSION OF RULES

Rep. James E. O'Neil moved that the Rules of the House be so far suspended as to dispense with referral to committee and public hearing on SB 222, providing a moratorium to June 30, 1975 on the issuance of new dog racing licenses, and that SB 222 be placed on third reading and final passage at the present time, and spoke in favor of the motion.

(discussion)

The Clerk read SB 222 in full.

Reps. Marsh, Joseph L. Eaton, Stevenson, Nelson, George E. Gordon, Gorman, Sayer and Daniell spoke against the motion.

Reps. Hood and Chris K. Andersen nonspoke against the motion.

Reps. Brungot and Curran wished to be recorded against the motion.

Reps. Enright, Gallen, Lynch, Cecelia L. Winn, Haller, Boyd and Spirou spoke in favor of the motion.

Rep. Colburn wished to be recorded in favor of the motion.

At the request of Rep. Beckett, Rep. James E. O'Neil answered questions.

Reps. French and Ellis moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

184 members having voted in the affirmative and 145 in the negative, the motion failed, due to the lack of the necessary two-thirds.

### SUSPENSION OF RULES

Rep. Clafin moved that the Rules of the House be so far suspended as to permit a public hearing on HB 526, to establish community winter resource areas and making an appropriation therefor, without the necessary notice in the Calendar.

Adopted by the necessary two-thirds.

### HB 811

making appropriations for capital improvements. Ought to pass with amendment. Rep. Alice Davis for Public Works.

Bill with amendment is self-explanatory.

### AMENDMENT

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of twenty-four million seven hundred and seven thousand two hundred and twenty dollars is hereby appropriated for the projects detailed in this section for the purpose of capital improvements and long term repairs, which includes such related improvements, facilities, equipment, and furnishings as are necessary to complete the same. The appropriations for the projects are as follows:

I. Adjutant General		
Concrete floor — Manchester Armory		\$50,000
II. Administration and Control		
(a) Restore and refurnish legislative chambers and 3rd floor of state house	200,000	
(b) Refurnish exterior of state house	84,000	
(c) Renovate first floor toilets	29,000	
(d) New corridors state house basement	19,000	
(e) Clean & paint exterior — state library	50,000	
(f) Rebuild room 100 state house	30,000	
(g) Rebuild dining and wild life bird rooms, state house	40,000	
		452,000*
*The projects for which these appropriations are made shall, notwithstanding any statute to the contrary, be under the complete and sole control of the speaker of the house and president of the senate jointly.		
III. Aeronautics Commission		
(a) Nashua — Land for ILS	200,000	
Less Federal	100,000	
Net Appropriation		100,000

(b) Lebanon — Taxiway	112,000	
Less Federal	56,000	
Net Appropriation		56,000
(c) Laconia Taxiway	208,000	
Less Federal	104,000	
Net Appropriation		104,000
(d) Concord Taxiway/Runway Extension	206,000	
Less Federal	103,000	
Net Appropriation		103,000
Total Paragraph III		363,000
IV. Education		
(a) All colleges		
Building safety improvement to conform		
with N. H. life safety code		50,000
(b) Portsmouth		
Lighting & wiring cafeteria — lounge		7,000
(c) Nashua		
Automotive building		788,000
(d) Claremont		
Allied health science building		1,300,000
(e) Laconia		
New equipment		89,000
(f) Concord		
Resurface campus road		10,000
(g) Manchester		
Library building		562,500
(h) Berlin		
Expand baking kitchen	74,480	
Automotive shop addition	92,240	
Cafeteria extension	76,000	
		242,720
Total Paragraph IV		3,049,220
V. Health & Welfare		
(a) Office building — phase II		9,800,000
(b) N.H. home for the Elderly (Glenclyff)		
(1) Renovate warehouse to occupation therapy	46,000	
(2) Repair chimney	10,000	
(3) Laundry	73,000	
Total		129,000
(c) N.H. Hospital		
(1) Reline fuel oil tanks	16,000	
(2) Equipment for main building kitchen	23,000	
(3) Plans & planning for renovations & up-		
dating four buildings — Tobey, Thayer,		
Walker & Brown	300,000	
Total		339,000
(d) Laconia State School & Training Center		
(1) Laundry equipment	50,000	
(2) Dairy farm conversion	35,000	
(3) Renovate electrical entrance & outside		
wiring	120,000	
Total		205,000
Total Paragraph V		10,473,000
VI. Industrial School		
Spaulding Cottage renovation		50,000

VII. Liquor Commission		
Addition to Portsmouth Store No. 38		245,000
VIII. Port Authority		
(a) Planning & design phase II & III expansion program	170,000	
(b) Phase II construction	2,950,000	
	<hr/>	
Total paragraph VIII		3,120,000
IX. Department of Resources and Economic Development		
Relocation and reconstruction of forestry nursery administration building and laboratory, and relocation of warehouse and shop to Bear Brook central warehouse and shop area	65,000	
(a) Division of Resources Development		
Land Acquisition — Administration costs for appraisals, etc.	25,000	
Pillsbury Land Acquisition — Pillsbury Forest to consolidate Department holdings	135,000	
Bear Brook Acquisitions — To consolidate Department holdings	150,000	
Miscellaneous land acquisitions	65,000	
	<hr/>	
Total	375,000	
Less anticipated federal assistance for land acquisition	175,000	
	<hr/>	
Total		200,000
(b) Division of Parks		
(1) Land Acquisition		
White Lake	10,000	
Trail acquisition, including Appalachian Trail; easements, rights of way, etc.	80,000	
Pisgah	250,000	
Greenfield	3,000	
Rollins	20,000	
Winslow	33,500	
Pine River Wetlands	120,000	
Crawford Notch — Willey House	50,000	
Miscellaneous Land Purchases	65,000	
Administrative Costs — Land Acquisition, appraisals, etc.	65,000	
	<hr/>	
Total	696,500	
Less anticipated federal assistance for land acquisition	315,750	
	<hr/>	
Total		380,750
(2) Engineering and Construction		
Bear Brook — new water supply	42,000	
Bear's Den — area development	12,000	
Bedell Bridge	177,000	
Crawford Notch — dam replacement	110,000	
Ellacoya — expand facilities	95,000	
Forest Lake — new bathhouse, toilet building	91,000	
Franconia — Phase II, snowmaking, novice slope dev.	85,000	
Greenfield — expand parking, picnicking	22,000	
Greenfield — construct shower building	44,000	
Odiorne Point — site improvement at Frost Point	25,000	
Pawtuckaway — sewage dumping station	10,000	
Pawtuckaway — beach expansion	27,500	
Pillsbury — new dam, boat launching	175,000	



White Lake — park headquarters	160,000	
Total	1,075,500	
Less anticipated federal assistance	517,750	
Total		557,750
(3) Miscellaneous Projects — State Funds Only		
Baker River SCC Dam Project	15,000	
Webster Birthplace — road relocation	22,000	
Total		37,000
(4) Capital Projects — Utility Construction —		
5 year Bonds		
Crawford Notch Park campground — Elec-		
tric Service	17,000	
Crawford Notch Park — Diesel Electric Set	10,000	
Echo Lake Park — Road and Walk Recon-		
struction	15,000	
Franconia Notch State Park — Tram Over-		
haul	160,000	
Mount Washington Summit Park — Water		
System	32,000	
White Lake State Park — Fence Construc-		
tion	27,000	
Total	261,000	
Less Federal Funds	29,500	
Total State Share		231,500
Total Paragraph IX		1,472,000
X. Department of Safety		
(a) Office Building	3,855,000	
(b) Safety Services		
Boat House — Rebuild and extend	23,000	
(c) State Police		
Renovate radio station & building	8,000	
Total Paragraph X		3,886,000
XI. Soldiers' Home		
Nursing Care Unit	1,906,000	
Less Federal Funds	953,000	
Total Paragraph XI		953,000
XII. State Prison		
Improvements and repairs as follows:		
replacing windows (main cell block);		
renovate heating (main cell block);		
move storage silo from Laconia State School		
and erect at prison farm;		
new roofs on hospital & old boiler room;		
No. 1 boiler conversion burner;		
toilets for annex;		
renovate annex;		
12 max. security cells in old hospital area		
(for criminally insane).		250,000
XIII. Water Resources Board		
1. Union Meadows	38,000	
2. Kingswood Lake	47,000	
3. Glen Lake	133,000	
4. Howe Reservoir	26,000	
5. Winnisquam Lake	100,000	
Total Paragraph XIII		344,000
Total Section I		24,707,220

## 2 Appropriation, University of New Hampshire

Appropriation. The sum of twelve million five hundred seventy-eight thousand dollars is hereby appropriated for the projects detailed in this section for the purpose of purchasing, constructing, furnishing and equipping new educational facilities, alterations, and additions to certain present buildings, services, and utilities at the University of New Hampshire system as follows:

I. Merrimack Valley Branch	
(a) development of outside utilities	\$3,441,000
(b) construction of first building	1,516,000
(c) design and construction of 2nd building	2,144,000
Total	7,101,000
II. Keene Campus	
renovation of former Elliot Hospital	970,000
III. Plymouth Campus	
new academic building design and construction of 2nd building	4,025,000
IV. Durham Campus	
continue renovation of James Morrill, Murkland, and Kingsbury halls to conform with N. H. Life Safety Code	402,000
V. All Campuses	
first phase of installation of fire detection systems in various buildings to comply with N. H. Life Safety Code	80,000
	<hr/>
Total Section 2	12,578,000

3 Appropriation, Resident Hall. The sum of one million nine hundred thousand dollars is hereby appropriated for the purpose of constructing, furnishing, and equipping housing facilities and utilities at the University of New Hampshire as follows:

Durham Campus	
Resident hall, 300 students	\$1,900,000

4 Expenditures, General. The appropriation made for the purposes mentioned in section 1 of the sums available for those projects shall be expended by the trustees, commission, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts for projects and plans and specifications therefor, shall be awarded in accordance with the provisions of RSA 228.

## 5 Expenditures, University of New Hampshire.

I. The appropriations made for the purposes mentioned in sections 2 and 3 and the sums available for these projects shall

be expended by the trustees of the University of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of two successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than thirty days prior to the date the bids will be received.

II. Availability of Appropriation. The appropriations made in section 2 and 3 are available for all costs incident to the erection, furnishing, and equipping of these facilities including the necessary extension of utilities and includes the cost of the services of architects, engineers, and other consultants of such kind and capacity as the University Board of Trustees may, in its discretion, wish to employ on such terms and conditions as the Board determines, and include the cost of furnishing and equipping the facilities with moveable equipment and furnishings not affixed to the buildings, and which are not listed in the specifications approved for implementation of the construction plans. These monies shall be spent under the direction of the University board of trustees.

III. Rejection of Low Bids. If, in the judgment of the trustees of the University, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. Rejection of All Bids. The board of trustees of the University has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the three lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

6 Land Acquisition. Any land acquired under the appropriations made in section 1, except such land, if any, as may be acquired under the appropriation for water resources board, shall be purchased by the commissioner of public works and highways, with the approval of governor and council.

7 Bonds Authorized. To provide funds for the appropriations made in sections 1, 2, and 3 of this act the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of thirty-nine million one hundred and eighty-five thousand two hundred and twenty dollars and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Provided however that the bonds issued for the purposes of section 3 of this act shall have a maturity date of thirty years from the date of issue.

8 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1, 2, and 3 shall be made when due from the general funds of the state.

9 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187:24, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of sections 2 and 3 hereof.

10 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To establish the priority of undertaking any projects hereinbefore enumerated in section 1.

II. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

III. To accept any federal funds which are or become available for any project under section 1 beyond the estimated amounts. Such funds shall reduce appropriations and the bond authorizations made under these sections accordingly.

11 Transfers. The individual project appropriation, as provided in sections 1, 2, and 3 shall not be transferred or expended for any other purposes; provided, however, that the

goveronr and council may transfer any balance estimated to be available upon completion of an individual project to other projects within the same section.

12 Certain Water Resources Appropriations of 1965 and 1967 Extended. The following appropriations to the water resources board providing for the specified capital expenditures shall be available for expenditure until July 1, 1975:

I. 1965, 281:1, X as extended for use by 1967, 394:15; 1969, 351:1 and 1971, 559:14.

II. 1967, 394:1, VII, as amended by 1969, 51:2 and extended by 1970, 56:12.

13 Certain Parks Appropriations of 1971 Extended. The following appropriations to the division of parks providing for the specified capital improvements shall be available for expenditure until July 1, 1976.

I. 1971, 1, VII, (1), (a), (i) Franconia Notch State Park, Tramway cables.

II. 1971, 1, VII, (1), (b) Berlin Wayside Area;

III. 1971, 1, VII, (1), (g) Dredging of Hampton Harbor.

14 Effective Date. This act shall take effect July 1, 1973.

At the request of Rep. George E. Gordon, Rep. Arthur F. Mann. answered questions.

(discussion)

Amendment adopted.

Referred to Appropriations.

(Speaker in the Chair)

#### SENATE MESSAGES

#### DISCHARGE COMMITTEE OF CONFERENCE APPOINTMENT NEW COMMITTEE OF CONFERENCE

Joint Rules.

The President appointed Sens. Trowbridge, Porter, Spanos and Downing.



Rep. Zachos moved that the House accede to a new Committee of Conference.

Reps. George B. Roberts, Jr., Zachos and Vachon spoke in favor of the motion.

Adopted.

The Speaker appointed Reps. George B. Roberts, Jr., James E. O'Neil, Coutermarsh and Russell C. Chase.

#### CONCURRENCE HB WITH SENATE AMENDMENT

HB 697, relating to appeals by hospital service corporations.

(Amendment printed in SJ May 17)

Reps. Zachos, Bigelow and Nims moved that the House concur with the Senate amendment.

Adopted.

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Rep. Hammond moved that HB 178, relative to the amount of fees to be collected by the register of deeds for Rockingham county be taken from the table.

Adopted.

Ordered to third reading.

The Speaker called for the Special Order on:

#### HB 425

to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people, and to abolish the crime of common drunkenness. Ought to pass with amendment. Rep. Haller for Public Health and Welfare.

An agreed bill among the New Hampshire State Police, New Hampshire Police Chief's Association, and Director of New Hampshire Alcohol and Drug Abuse Program.

Rep. George E. Gordon moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass with amendment, and spoke in favor of the motion.

(discussion)

Reps. Copenhaver and Knight spoke against the motion.

Rep. Streeter moved the previous question.

Sufficiently seconded.

Adopted.

A division was requested.

135 members having voted in the affirmative and 132 in the negative, the motion prevailed.

### **HB 387**

relative to providing a uniform open deer season throughout the state. Ought to pass. Rep. Chamberlin for Fish and Game.

Provides for a uniform open deer season throughout the state, providing fifteen hunt days, with protection of the decreasing deer herd being considered.

Rep. Harvell moved that the words, inexpedient to legislate, be substituted for the committee report, ought to pass, and spoke in favor of the motion.

Rep. Chamberlin spoke against the motion.

(discussion)

Reps. Huggins, Harry C. Parker, Oleson, Harold E. Thomson and Patrick spoke against the motion.

Rep. Boisvert moved the previous question.

Sufficiently seconded.

Adopted.

Motion lost.

Ordered to third reading.

### **RECONSIDERATION**

Rep. George E. Gordon moved that the House Reconsider its action in reporting HB 425, to establish standards of care and treatment of alcoholics, intoxicated persons, and drug dependent people, and to abolish the crime of common drunkenness, inexpedient to legislate.

Rep. McLane requested a division.

Reps. Knight, Roma A. Spaulding, McManus and Zachos spoke in favor of Reconsideration.

### POINT OF ORDER

Rep. George E. Gordon rose on a point of order.

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136 members having voted in the affirmative and 153 in the negative, Reconsideration lost.

### HB 24

relative to the taxation of capital gains under the business profits tax. Majority: Ought to pass with amendment; Rep. Chandler for Ways and Means. Minority: Inexpedient to legislate. (Reps. Nutt, Nardi and Anne B. Gordon)

The majority feels that it is not fair to go back to the year 1913 in order to compute the capital gain from the sale of any asset. The majority feels that the capital gain tax should be computed from January 1, 1970.

The minority believes that this bill would upset the original structure and intent of the Business Profits Tax, to provide sufficient revenues for replacement of the stock-in-trade and machinery taxes as enacted in 1970, and would substantially reduce its revenue raising capacity. Refunds required under this act could be as high as \$3,000,000 with an additional \$1,000,000 annual loss in revenue, and since an important case covering this aspect of the business profits tax is now pending in court, any action at this time is not justified. The problems of accounting and litigation for the Business Profits Tax Division would in any case be substantial but could be compounded by the unknown court decision.

Rep. Nutt moved that the report of the minority, inexpedient to legislate, be substituted for the report of the majority, ought to pass with amendment, and spoke in favor of the motion.

Rep. Chandler explained the committee report.

Reps. Gerry F. Parker, Daniell, Cunningham and Hall spoke in favor of the motion.

Reps. Sayer, Read, Harvell, Senter and Rich spoke against the motion.

Rep. Lambert moved the previous question.

Sufficiently seconded.

Adopted.

Motion adopted.

## RESOLUTION

Rep. George B. Roberts, Jr. moved that all bills ordered to third reading be read a third time by this resolution and that all titles of bills be the same as adopted, and that they be passed at the present time, unless otherwise ordered by the House, and that when the House adjourns today it be to meet tomorrow at 11:00 a.m. for Consent Calendar and 1:00 p.m. regular Calendar.

Adopted.

## LATE SESSION

### Third reading and final passage

HB 846, relative to the time of school district meetings in cooperative school districts.

HB 739, relative to the selection of engineers and architects.

HB 857, permitting public employees to enter into a deferred compensation plan and authorizing the purchase of insurance and annuity contracts.

HB 763, relative to the authority of the director to close the season for hunting and taking deer.

HB 767, providing for the merger of unincorporated religious societies.

HB 773, relative to unsolicited merchandise and unfair trade practices.

HB 178, relative to the amount of fees to be collected by the register of deeds for Rockingham county.

HB 387, relative to providing a uniform open deer season throughout the state.

## RECONSIDERATIONS

Rep. Sununu moved Reconsideration on HB 780, relative to approved subdivision plans.

Reconsideration lost.

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Rep. Kopperl moved Reconsideration on HB 787, exempting single or double septic tank units from the requirement of approval by water supply and pollution control commission, under certain conditions.

Reconsideration lost.

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Rep. Hanson moved Reconsideration on HB 24, relative to the taxation of capital gains under the business profits tax.

Reconsideration lost.

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On motion of Rep. Esther M. Davis the House adjourned at 7:35 p.m. in memory of John Wyatt, President of the N. H. Association of Realtors, who was killed in an airplane accident Friday last.

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*Wednesday, 23May73*

The House met at 11:00 o'clock.

(Rep. Harvell in the Chair)

Prayer was offered by Assistant Chaplain Father Francis J. O'Connor.

**O Lord, our God,** our life is now and there is so much for us to do. Where there is hatred, let us bring love; where men do not care, let us bring to life concern and understanding and where men are sick and in pain, let us make real Your message of love. Help us that we may be witnesses to You. Amen.





